United States Department of State

Washington, D.C. 20520

Executive Registry
88-0358X/1

March 5, 1988

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Sen Helms
SFRC

MEMORANDUM FOR MR. PAUL SCHOTT STEVENS
Executive Secretary
National Security Council

COL. WILLIAM M. MATZ
Executive Secretary
Department of Defense

[redacted]
Executive Secretary
Central Intelligence Agency

RADM JOSEPH C. STRASSER
Executive to the Chairman
Joint Chiefs of Staff

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MR. WILLIAM B. STAPLES
Executive Secretary
Arms Control and Disarmament Agency

SUBJECT: Responses to Questions Posed by Senator Helms

Following a request from SFRC Chairman Pell for Administration reaction to questions posed by Senator Helms' Memorandum on the INF Treaty, we have prepared responses drawing either from previously cleared guidance or, in the case of questions not previously addressed, from further interagency clearance. This response takes into account interagency reactions to previous drafts and is submitted to the NSC staff for coordination and final approval. Since we have had repeated requests for a response to Senator Helms, the Department hopes that this material can be provided to Senator Pell by Tuesday, 8 March.

Melvyn Levitsky

Melvyn Levitsky
Executive Secretary

Attachment:

As stated

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Article II, Para. 1

"GLBM" is a new phrase and concept. Why has it been created by this Treaty?

The term "ground-launched ballistic missile (GLBM)" is used in the INF Treaty to make clear that the only missiles covered by the Treaty are ground-launched. This usage is consistent with the long standing U.S. and Allied position that the INF Treaty should not restrict missiles of any basing mode other than ground-launched missiles.

Article II, Para. 5 & 6

The Treaty classifies missiles by maximum range. Should missiles be classified in this manner, or by minimum range?

The Treaty classifies missiles by both maximum and minimum range. The Treaty stipulates that an intermediate-range missile has a range in excess of 1,000 kms but not in excess of 5500 kms and that a shorter-range missile has a range equal to or in excess of 500 kms but not in excess of 1,000 kms.

Answers to Helms Questions

Article II, Para. 5 & 6

Are there Soviet ground-launched missiles which are capable of use in these ranges (1000-5500 km and 500-1000 km) but which are not covered in this treaty?

Essentially, all strategic systems of both the Soviet Union and the United States can perform INF missions. Indeed, the United States has, for a number of years, dedicated a portion of its ballistic missile submarine force to direct support of NATO.

Soviet strategic systems could do the same. The INF Treaty is not the solution to all of NATO's military problems, but the agreement is a positive step in the right direction. The Soviet Union deployed its theater forces for political as well as military purposes, i.e. for political intimidation and coercion during a crisis or conflict. The SS-20, because of its range, accuracy, mobility and triple warhead capability, was particularly threatening to NATO. The Soviet Union will be required to destroy these missiles under the INF Treaty, resulting in fewer nuclear weapons arrayed against NATO than there were in 1979, and fewer than there would be in the absence of an INF Treaty.

Article II, para 7

Could missiles conceivably be located outside these "designated" sites?

Under the Treaty provisions, intermediate-range missiles shall be located in deployment areas, at missile support facilities or shall be in transit. Shorter-range missiles shall be located at missile operating bases, at missile support facilities or shall be in transit. An INF missile not at one of these locations would be in violation of the Treaty. While 100 percent certainty is not attainable, the INF verification regime provides confidence that a militarily significant covert force could not be deployed.

Article II, para 7

Would "suspect" sites be covered by this definition?

No. We have long argued that the INF verification regime should be tailored to the detailed limitations of the Treaty. In the context of an INF agreement that would have permitted the United States and Soviet Union to retain missiles and launchers capable of carrying 100 warheads, the United Sttes proposed inspection of any site in either country where such missiles and launchers could be located -- suspect sites. After the Soviets agreed to the long-standing United States preference for double global zero, in July 1987, the United States re-examined its proposals for inspections of suspect sites. In light of the great practical difficulties from the point of view of our laws protecting private property and the need to protect sensitive installations and facilities, we determined that in the context of double global zero, overall U.S. interests were best served by a more restrictive approach to suspect site inspections than on the basis of "anywhere, anytime." Furthermore, the Soviets strongly resisted "anywhere, anytime" inspections on their territory in the context of an INF agreement. In the ensuing negotiations, the sides eventually agreed to short notice inspections of formerly declared facilities.

The INF verification regime provides an effective deterrent to Soviet cheating. Under the INF Treaty after all INF missile systems were eliminated, the possession of any INF missile or treaty-limited item would be a violation., The inspection regime incorporated into the Treaty enhances our ability to verify Soviet compliance. This means it would be more difficult for the Soviets to elude detection and to cheat in a militarily significant way. Specifically, former SS-20 facilities would be subject to inspection even if they were converted for use as SS-25 bases; the production facility where SS-20's and SS-25's have been assembled will be monitored by U.S. inspectors; and the Soviets agreed on a cooperative measure which will enhance our ability to verify by NTM that SS-20's are not located at SS-25 bases which are not otherwise subject to inspection.

Article II, Para. 8

Why are "missile operating bases" for intermediate-range missiles covered only if located in deployment areas, while "missile operating bases" for shorter-range missiles are covered regardless of where located?

Under the Treaty, intermediate-range missiles are permitted to operate within the deployment areas defined by geographic coordinates in the data MOU. The U.S. wished to maintain its ability to deploy missiles throughout their deployment areas in order to ensure the viability, effectiveness and survivability of those missiles throughout the period of reductions. In contrast, shorter-range missiles are not allowed to operate in deployment areas, but must be located either at missile operating bases or missile support facilities or be in transit to an elimination facility. This more stringent restriction on shorter-range missiles affects only Soviet forces since the US does not deploy a shorter-range missile system.

Article II, Para. 10

Why is the definition of "transit" for intermediate range missiles different from the definition of "transit" for shorter-range missiles?

Transit is more restrictive for shorter-range missiles. They can be moved only from an operating base or support facility to an elimination facility. All shorter-range missiles and launchers must be located at elimination facilities within 12 months after the Treaty enters into force and must be destroyed within 18 months.

Article II, Para 11-14

Why is there a distinction between "deployment area" for intermediate-range missiles and "operating base" for shorter-range missiles?

No deployment areas are provided for shorter-range missiles, which are subject to more stringent geographical constraints than intermediate-range missiles. Shorter-range missiles may be deployed only at missile operating bases. This is in U.S. interests, since only the Soviet Union has any deployed shorter-range missiles.

Article III, para. 1

Does either party have ground-based missiles in Europe which are capable of intermediate-range use, but which are not among the missiles listed here and not covered by the treaty? Can these excluded systems serve the same functions as the systems eliminated by the treaty?

Regardless of whether they are based in the Soviet Union, the United States or at sea, strategic systems are not included in the INF Treaty but can cover targets in Europe. Such Soviet systems, however, would not have the same political effect on Europe as the SS-20 since Soviet strategic systems are perceived as threatening both the United States and Europe while the SS-20 is viewed by many Europeans as threatening only Europe.

Article IV

This Article provides for the elimination of U.S. intermediate-range missile systems. Can this be done constitutionally without appropriate enabling legislation being passed by both Houses of Congress?

Our understanding is that DOD has always maintained that it has the authority, without any need for new legislation, to eliminate weapons systems it no longer wishes to retain. In fact, the US has been eliminating missile and other defense systems for many years without violating the Constitution, either for arms control reasons (such as the dismantling of excess strategic systems) or because we no longer want to have the system around. Furthermore, treaty provisions are the law of the land under our Constitution, and the President would have the right and the duty to enforce the provisions of the INF Treaty once it is ratified, even if he would not otherwise be legally able to do so.

Article IV, para 1

This paragraph requires the parties to eliminate all intermediate-range missile systems as defined by the treaty. But does this requirement actually cover all ground launched missiles with intermediate-range capabilities possessed by the parties in Europe? Which such missiles are exempt?

The INF Treaty obligates both sides to destroy all ground-launched ballistic and cruise missiles with ranges of 500 kms to 5500 kms. See also answers to question on Article III, para 1 and Article XII, para 3.

Article IV, para 1

Will the warheads associated with the missile systems covered by the treaty also be destroyed? If not, what can the parties do with these warheads?

No, the INF Treaty obligates both sides to destroy INF missiles, launchers and their support equipment and structures, not nuclear warhead devices. By destroying the means of delivering INF missile nuclear warhead devices, the Treaty will remove the military threat posed by them.

-- For a number of reasons, the US determined that it would not be in our interest to eliminate the nuclear warhead devices themselves.

-- Verifying the elimination of nuclear warhead devices (not to mention the production of new ones) raises formidable technical challenges and difficult security issues. Intrusive verification measures could disclose sensitive nuclear weapons information to the Soviet Union.

-- Finally, the nuclear warhead devices contain costly and scarce resources which it would be imprudent to destroy.

-- It was agreed at the Washington Ministerial in September 1987 that nuclear warhead devices and guidance elements would be removed from the front section of a missile and returned to national authorities. The missile front section itself, minus the nuclear warhead devices and guidance elements, would then be destroyed.

Article IV, Para. 1

How many warheads (in numbers and explosive power) will the parties remove from the missiles covered by the Treaty?

The sides will remove the warheads from all deployed missiles as listed in the Memorandum of Understanding on Data prior to initiating the elimination procedure. Megatonage was not one of the issues negotiated by the Parties in INF.

Article IV, Para 1

Is there anything in the treaty to prevent the Soviets from placing these warheads on ICBMs targeted at the United States? or on other missiles targeted at Western Europe?

There is nothing in the Treaty to prevent both the United States and the Soviet Union from using these warheads for other missiles.

Article IV, Para. 1

Do the parties have any support structures and equipment which are not in the MOU?

The MOU includes unique support structures and equipment which are used to support and deploy intermediate-range or shorter-range missiles or launchers. Other types of non-essential structures and equipment, such as general purpose buildings, are not included in the MOU.

Article IV, Para 1

Are there [redacted] facilities associated with the SS-20 which the Soviets have failed to declare? STAT

The answer to this question if classified. We would be happy to provide you with the information in the appropriate form.

Article IV, Para. 2(a)

How many launchers of deployed intermediate-range missiles is "the amount capable of carrying out missiles considered to carry 171 warheads?"

The number of launchers will depend on the mix of systems. For example, the US GLCM launcher is capable of carrying four missiles, each with a single warhead, and the U.S. Pershing II launcher is capable of carrying one missile with a single warhead. Thus, the number of launchers the U.S. will have at the end of the initial 29 month period of reductions is dependent on the mix of PIIs and GLCMs we have at that time.

Article IV, Para. 2(a)

How many deployed intermediate-range missiles is "the number considered to carry 180 warheads?"

The number of missiles will depend upon the number of warheads associated with the different types of missile systems. On the US side, all INF missiles carry a single warhead. On the Soviet side, SS-20 missiles are considered to carry three warheads while the other Soviet INF missiles are considered to carry a single warhead.

Article IV, Para. 2(a)

Why is there a difference in number between deployed intermediate-range launchers (171) and missiles (180)?

The numerical difference between deployed intermediate-range launchers and missiles results from our requirement to maintain operational missile spares to support our deployed INF missile force.

Article IV, Para. 2(a)

How many intermediate-range launchers is "the amount capable of carrying missiles considered to carry 200 warheads?"

As with deployed intermediate-range launchers, the aggregate number of deployed and non-deployed launchers of intermediate-range missiles considered to carry 200 warheads depends upon the mix of missile systems in each Party's INF force 29 months after the Treaty enters into force.

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Article IV, Para. 2(a)

How many missiles is "the number considered to carry 200 warheads?"

As with deployed intermediate-range missiles, the aggregate number of deployed and non-deployed missiles considered to carry 200 warheads depends upon the mix of missile systems in each Party's INF force 29 months after the Treaty enters into force.

Article IV, Para. 2 (a)

What are the reasons why the ratio of GLBMs to total missiles in the first phase should not exceed the initial ratio?

The Treaty provides for steep asymmetric reductions on the part of the Soviet Union. After 29 months the sides will be at equal warhead levels. The provision explicitly allows the U.S. to retain Pershing II missiles and launchers throughout the elimination period (the Soviets had sought to force the U.S. to eliminate its PII force early in the reductions period). The U.S. can maintain its PII force at the same percentage level of the total U.S. INF missile force at the end of the first (29 month) stage of reductions as it had on 1 November 1987.

Article V

This Article provides for the elimination of US shorter-range missile systems. Can this be done constitutionally without enabling legislation passed by both Houses of Congress? (see Art. IV)

Our understanding is that DOD has always maintained that it has the authority, without any need for new legislation, to eliminate weapons systems it no longer wishes to retain. In fact, the US has been eliminating missile and other defense systems for many years without violating the Constitution, either for arms control reasons (such as the dismantling of excess strategic systems) or because we no longer want to have the system around. Furthermore, treaty provisions are the law of the land under our Constitution, and the President would have the right and the duty to enforce the provisions of the INF Treaty once it is ratified, even if he would not otherwise be legally able to do so.

Article V, Para. 1

Does this section cover all ground-launched missiles with shorter-range capabilities possessed by the parties in Europe? If not, what missiles with such capabilities are exempt?

Both the U.S. and Soviet Union have ground-launched missles in Europe with ranges shorter than those covered by the Treaty. All ground-launched missiles with ranges below 500 km are exempt.

Article V, Para. 1

Does either party possess support equipment not listed in the MOU?

The support equipment for shorter-range missiles listed in the MOU is equipment unique to the shorter-range missile systems covered by the INF Treaty. It does not include equipment which is not unique to those missile systems.

Article V, Para. 2

Why is there a difference in time for the removal of deployed and non-deployed missiles (90 days v 12 mos.)?

In order to ensure that shorter-range missile systems are removed from operational status as rapidly as possible after entry into force, the Treaty requires that deployed shorter-range missiles and all deployed and non-deployed launchers of such missiles be moved to elimination facilities within 90 days after entry into force of the Treaty.

To further degrade their operational capability, the Treaty requires that there be separate elimination facilities for shorter-range missiles and launchers, no less than 1000 kms apart. Given these restrictions, the U.S. agreed to allow the Soviets an additional 9 months to move their numerous non-deployed missiles to elimination sites as without launchers these missiles posed little threat to NATO's security.

Article V, Para. 3

Why must elimination facilities be separated by 1000 km?

The separation of missile and launcher facilities was a U.S. proposal designed to ensure that shorter-range systems lose their operational capability and military effectiveness as soon as they are moved into elimination facilities. Separation by the substantial distance of 1000 kms would make the reconstitution of an SRM force logistically difficult and ensure high confidence of detection.

Article V, Para. 3

Are the elimination facilities for intermediate-range missiles also subject to this 1000 km requirement?

No. The US proposed, and the Soviets eventually accepted, more rapid and stringent elimination procedures for shorter-range missile systems than for intermediate-range missile systems.

Article VI, Para. 1

Why are launches of intermediate-range missiles not prohibited, as is the case with shorter-range missiles?

The US favored other methods of missile elimination over launching, but agreed to allow launches of a limited number of intermediate-range missiles (100) during a brief time span (the first six months of the reductions period). The Soviets maintained that a certain number of their much larger force of intermediate-range missiles needed to be eliminated by launch in order to eliminate that force within the 3-year period proposed by the US.

Article VI, Para. 1

Q. Are the launches of intermediate-range missiles permitted only for the purpose of elimination?

Yes.

Article VI, Para. 1

How do "launches" which are permitted for intermediate-range missiles differ from "flight-tests" which are prohibited, and how can we verify this distinction?

The Elimination Protocol contains detailed provisions for the conduct of launches for purpose of elimination. These provisions include, for example, a prohibition against transmission or recovery of data except for unencrypted data for range safety purposes. In any case, given the limited number of permitted launchers for elimination (100 IRMs), the tightly constrained time period (only the first 6 months after EIF) and the ban on telemetry broadcast for flight-testing purposes, launches for elimination would have little utility as substitutes for flight-tests. Our monitoring capabilities and rights to on-site inspection will allow us to determine whether a launch for elimination has been used as a prohibited flight test.

Article VI, para 2

This paragraph provides the exception to para 1 "provided that the party does not produce any such similar stage". Why is there this restriction?

The Soviets advised us that the first stage of the SS-25 (which has a range capability greater than 5500 kilometers and is thus not covered by the INF Treaty) is outwardly similar to the SS-20 first stage. As a result, there is a provision in the Treaty that permits the production of one stage (the SS-25 first stage) that is outwardly similar to, but not interchangeable with, a first stage of a banned missile (the SS-20 first stage). At the same time, a Party may not produce "any other stage which is outwardly similar to, but not interchangeable with, any other stage of an existing type of intermediate-range GLBM." This provision prevents the Soviets from producing SS-20's under the guise of two "outwardly similar" stages.

Article VI, Para. 2

What "type of GLBM" uses a stage outwardly similar to, but not interchangeable with, a stage of a GLBM covered under this treaty? (for each party)?

The Soviet SS-25 missile.

Article VI, Para. 2

Why are the parties permitted to produce these nearly identical stages?

The INF Treaty does not limit missiles with ranges below 500 kms. or above 5500 kms., thus it does not limit Soviet ICBMs. The references in Article VI to a stage "outwardly similar to, but not interchangeable with" a stage of an intermediate-range missile take into account the outward similarity between the first stage of the SS-20 and the first stage of the SS-25. This similarity resulted in the stringent verification provisions including portal monitoring in the Treaty to help ensure that SS-20's are not produced under the guise of SS-25's. All SS-25 missiles exiting the Votkinsk facility will be subjected to stringent examination.

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Article VI, Para. 2

Can these nearly identical stages be used for the same purposes as the stages eliminated by the treaty?

No. They cannot be used as stages on missiles eliminated under the terms of the Treaty.

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Article VI, Para 2

How do we verify that the stages permitted to be produced by this paragraph are indeed "not interchangeable" with stages prohibited from production by this treaty?

Our principle aim under the paragraph is to ensure that while the Soviets continue to produce the SS-25 ICBM, they are not secretly producing SS-20s under the guise of SS-25s. The monitoring procedures established by the Treaty at the SS-25 final assembly facility at Votkinsk, the on-site inspection regime at all former SS-20 bases converted to SS-25 bases, enhanced NTM at other SS-25 bases, our basic NTM capabilities, and the zero level environment all combine to help ensure that SS-20 production has indeed ceased. The Soviets volunteered adding the phrase "not interchangeable" after we called them on the "outwardly similar" problem. We accepted the addition of the phrase as a further limiting factor on Soviet activity but our major emphasis for insuring the non existence of SS-20s is the above listed elements of our verification regime.

Article VI, Para. 2

Could warheads be removed from missiles to be eliminated under this treaty be reloaded onto this other "type of GLBM?"

Both the U.S. and Soviet Union can remove nuclear warhead devices from missles to be eliminated under this Treaty and use them for other purposes. They cannot, however, be simply "reloaded" onto another GLBM.

Article VII, Para. 1

How do we know what's been "flight-tested or deployed?"

NTM are used to determine whether a ballistic or cruise missile has been flight-tested or deployed.

Article VII, Para. 1

Which missiles are effectively covered under this paragraph, and which are not?

For purposes of the INF Treaty, the missiles covered by this paragraph are those listed in Article III. Exceptions are provided for GLBMs which are developed solely to intercept objects not located on earth (para. 3, Art. VII), R&D booster systems (para. 12, Art. VII) or IRMs or SRMs that have been tested but not deployed (para. 6, Art. X).

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Article VII, Para. 2

Should this paragraph cover all GLBMs and GLCMs possessed by the parties in Europe with intermediate- or shorter-range "capability?"

The paragraph covers all GLBMs and GLCMs with a range between 500 and 5,500 km, that is, all INF missiles. It does not cover systems with a range greater than 5,500 km but which could be fired to a distance below 5,500 km. Such systems are covered in the START negotiations.

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Article VII, Para. 3

How can we tell which GLBM's have been developed and tested solely for interception purposes?

These systems must have been developed and tested solely for intercepting objects off the surface of the earth. NTM will provide the means of detection.

Article VII, Para. 3

As this paragraph exempts GLBMs developed and tested solely for interception purposes, is there anything to stop the Soviets from modifying SS-4, SS-20, SS-12 or SS-23 missiles and claiming them to be interceptors exempt from elimination?

The Treaty requires the Soviets to eliminate all existing INF missiles and prohibits further production. These include the SS-4, SS-20, SS-12 and SS-23 missiles. There is no provision in the Treaty to permit modification of these missiles. The Soviet Union, as does the U.S., has systems designed and developed solely as interceptors which are exempted by this provision.

Article VII, Para. 4

Does this method of determining the missiles to be covered by this Treaty exempt any ground based missile systems located in Europe which have intermediate- or shorter-range capabilities?

No. This provision is designed to eliminate debate over whether any future system which might be developed is an INF system by establishing the criteria of maximum tested range. Thus this article does not exempt any IRM or SRM.

Article VII, Para. 5 & 6

Are the "maximum number of warheads as provided in the MOU" the actual maximum that can be carried by the respective GLBMs and GLCMs?

It is the maximum number of warheads for which the missile has been tested.

Article VII, Para. 8

Are SS-25 launchers capable of launching SS-20 missiles, and would such a capability bring SS-25 launchers under this treaty?

Only if a launcher has contained, launched or been tested with an INF GLBM or GLCM is it limited by the INF Treaty. To our knowledge, no SS-25 launchers has contained, launched or been tested with an INF missile.

Article VII, Para. 10

This para provides for the counting of missiles covered by the treaty. Will there be confusion with "similar but not interchangeable" stages exempted under Art VI, para 2?

No, Soviet missiles are not normally stored or moved in separate stages. We do not anticipate that Soviet missiles, in particular the SS-25, will appear outside their final assembly facility other than in canisters. Consequently the SS-25's first stage which is "outwardly similar but not interchangeable" with the SS-20 first stage likely will not be observed as an individual missile stage.

Article VII, Para. 10

How can we tell if a canister contains a GLBM and whether it is a GLBM covered by the treaty?

If a missile is stored or moved in a canister, e.g. the Soviet SS-20, the canister "counts" as a missile. If we see an SS-20 canister, it is equivalent to seeing the missile -- unless the Soviets "prove to the satisfaction of the other Party" that it does not contain an SS-20.

Article VII, Para. 11

Which particular missile systems will be exempted by this paragraph?

The U.S. wanted this provision in order to permit ground-based testing of items not subject to the treaty, such as SLBMs and SLCMs.

Article VII, Para. 11

How can we determine which Soviet missiles are "intended" and which are "not intended" to be ground-based for the purpose of identifying exempted missile systems?

The Treaty article does not use the language "intended" or "not intended." The provision was sought by the U.S. to permit continued testing of U.S. missiles, e.g., SLCM, in accordance with our existing programs. NTM will be used to confirm that such launchers are used only at test sites for legitimate test purposes.

Article VII, Para. 11

What functionally related features will distinguish test-launchers from ground-based missile launchers?

The test-launcher is a land-based fixed launcher used solely for test purposes.

Article VII, Para. 11

Does the paragraph effectively permit the Soviets to deploy SLCMs at land-based launchers, and if so, how will the capabilities of these SLCMs differ in capabilities from cruise missiles prohibited under the treaty?

As the launchers permitted under this article are only fixed launchers at test sites, no missile on such a launcher would be mobile. We do not anticipate that either side will require more than a small number of missiles at such test sites at any one time.

Article VII, Para. 12

How do "booster stages" differ from missile stages prohibited under this treaty?

To help verify that booster system launches are not used illegally for INF flight-testing, the following limitations are placed on R&D booster systems:

-- stages used in booster systems must be different from stages used in INF missiles listed in Article III of the Treaty.

-- booster systems must be used only for research and development purposes to test objects other than the booster systems themselves;

-- the aggregate number of launchers for booster systems must not exceed 35 for each side at any one time;

-- the launchers of booster systems must be fixed, emplaced above ground and located only at research and development launch sites that are listed in the MOU;

-- no new types of stages for booster systems in the INF range band may be produced; and

-- notification of launches must be given ten days in advance.

Article VII, Para. 12

In the past, have the Soviets ever violated SALT I or SALT II by using research and development sites for the deployment of systems prohibited under these treaties?

The President's Report on Soviet noncompliance with Arms Control Agreements of 23 December 1985 made the following finding:

"The President's February 1985 Report to Congress which noted that the evidence is somewhat ambiguous and we cannot reach a definitive conclusion, found the activities at Plesetsk to be a probable violation of the USSR's legal obligation and political commitment under SALT II. Soviet activity in the past year at Plesetsk seems to indicate the probable removal of SS-16 equipment and introduction of equipment associated with a different ICBM."

Under the INF Treaty, however, within 30 days after entry with force there can be no INF missiles or launchers at test sites. Subsequent detection of a single INF missile at a test site would be a Treaty violation.

Article VII, Para. 12

Could the Soviets conceivably deploy systems prohibited under this treaty at research and development sites?

No. The Elimination Protocol states that all stages of intermediate-range and shorter-range missiles are subject to elimination. Even though an SS-20 is counted as a complete missile only when it is fully assembled, all stages of the SS-20 are accounted for in the MOU and are subject to elimination. Thus the Soviets are prohibited from keeping any stage of the SS-20 for any purpose, including for R&D boosters, and must eliminate them all under the treaty.

Article VII, Para 12

Why are we prohibited from on-site inspection of research and development sites?

The sides are prohibited from stationing Treaty-limited systems at research and development sites, consequently it is consistent with the inspection provisions in the Treaty that there be no OSI for such sites. The U.S. believes that the prohibition against INF missiles at R&D sites can be effectively monitored by NTM, especially given the provisions to enhance monitoring contained in Para. 12 of Article VII.

Article VIII

Para. 1

This paragraph provides that intermediate range missiles and launchers may be located only in deployment areas, at support facilities or in transit. Can we verify that there are no missiles in locations outside of these areas.

As the Treaty makes clear, the detection of a single missile or launcher not in a deployment area, support facility or in notified transit would be evidence of a Treaty violation. Taken together, U.S. National Technical Means and the verification measures provided for in the INF Treaty, including the extensive data exchanges and on-site inspections will facilitate the detection of potentially militarily and politically significant violations in time to respond effectively and thereby deny the other side the benefit of the violation. At the same time, NTMs and the Treaty's verification measures will also serve as a deterrent to Soviet cheating. No agreement is ever 100 % verifiable, but over time the testing and production bans in the Treaty would impair the military utility and viability of any covert force.

Article VIII, Para. 1

Have 84 SS-20 launchers been detected outside declared areas since the signing of the Treaty?

Prior to entry into force of the Treaty, the locational restrictions provided for in the Treaty are not obligatory on the Parties. U.S. information about the location of Soviet systems involves classified intelligence.

Article VIII

Para. 1

If so, can we verify that these particular launchers will be in declared areas on the day of entry into force as required by the Treaty?

If there are launchers outside of declared areas on the day of entry into force, will we know where they are?

The Soviets must provide us within 30 days after the Treaty enters into force with the location of all missiles and launchers as of the day the Treaty enters into force. The U.S. will be able to verify this baseline data with on-site inspections. Taken together, U.S. National Technical Means and the verification measures provided for in the INF Treaty will facilitate the detection of any Soviet systems at other locations in a timely fashion so as to protect U.S. and Allied security.

Article VIII

Para. 3

Under this paragraph, shorter range missiles may be located at elimination facilities, but under para. 1 & 2, intermediate range missiles may not. Why the distinction?

Elimination facilities are included under the definition of missile support facilities, thus intermediate-range missiles may be located at elimination facilities. Para. 3 on shorter range missiles begins with a reference to elimination facilities because shorter-range missiles may only transit to elimination facilities, thus the locational restrictions apply only until shorter range missiles are moved to elimination facilities at which time they are restricted to those elimination facilities.

Article VIII, para 5

Can we verify that all SS-20 deployment areas, bases and facilities have been declared?

Have we detected SS-120 facilities above and beyond those declared in the MOU?

The Parties were required to list all deployed and non-deployed INF missiles and launchers and their location (including those to transit) of of 1 Nov. 87. The Soviet numbers for deployed and non-deployed forces are for the most part near Intelligence Community estimates, allowing for the ranges of our uncertainties, except for differences in agency views on the number of non-deployed SS-20s. Non-deployed force estimates for INF systems are less certain and vary by agency, depending on the methodology used for assessing production.

Article VIII

Para. 5

If so, would the Soviets be in violation of the requirement of this paragraph that neither party shall increase the number of facilities from those set forth in the MOU.

Neither Party has the right to increase the number of facilities, except for elimination facilities, from those listed in the MOU as of November 1, 1987. Thus if the Soviets located missiles or launchers at facilities not listed in the MOU, other than new elimination facilities, they would be in violation of the Treaty. Any missiles and launchers not in deployment areas or facilities listed in the MOU, or in transit would represent violations of the Treaty.

Article VIII

Para. 5

Will the subsequent updates required under this paragraph be subject to Senate advice and consent in the same manner as the original data in the MOU?

The MOU, as an integral part of the INF Treaty, is subject to Senate advice and consent. In giving its advice and consent to ratification of the Treaty, the Senate would not be subscribing to the accuracy of Soviet data. Subsequent updates of data, as required by Article IX of the Treaty, in the categories contained in the MOU do not represent amendments to the MOU. Thus, these would not require Senate action.

Article VIII

Para. 5

This paragraph contains an exception making elimination facilities subject to change. What are the reasons for this exception?

The United States sought to preserve its flexibility to change or create new elimination facilities during the period of reductions should experience show that such changes were needed. At the time the Treaty was signed, the United States had not made the final decision as to where our elimination facilities would be located, thus we did not list any elimination facilities in the MOU. The U.S. must exercise the exception which we sought in this paragraph to change or create new elimination facilities when we make that decision.

Article VIII, Para. 6

Do the Soviets have production facilities or test ranges which have not been listed in the MOU?

U.S. information about the location of Soviet production facilities or test ranges involves classified intelligence. The data provided by the Soviet Union on production facilities and test ranges in the Memorandum of Understanding are generally within the bounds of intelligence community estimates.

Article VIII

Para. 6

If so, may missiles covered by this Treaty be located at these facilities and test ranges?

Thirty days after the Treaty enters into force missiles and launchers must be located in deployment areas or facilities listed in updates of data in the MOU or in transit. Missiles and launchers located elsewhere would be a violation of the Treaty. In addition, no missiles and launchers may be located at test ranges or production facilities 30 days after entry into force of the Treaty.

Article VIII

Para. 6

May the U.S. inspect these facilities and test ranges to assure that prohibited missiles are not located there?

Inspections may be conducted at any declared facility listed in the MOU, except missile production facilities, either as an existing site or formerly declared facility for 13 years after the Treaty enters into force. Thus test ranges listed in the MOU are subject to inspection. Facilities not listed in the MOU are not subject to on-site inspections but are subject to monitoring by National Technical Means.

Article VIII, Para. 7

This parragraph prohibits covered missiles from being located at training facilities. Have all training facilities declared and agreed?

The data provided by the Soviet Union on training facilities in the Memorandum of Understanding are generally within the bounds of intelligence community estimates.

Article VIII

Para. 9

Are training facilities banned?

All missile support facilities, including training facilities, must be eliminated. After their elimination, no new ones may be established. Thus training facilities for INF missile systems are banned at the end of the reductions period.

Article VIII

Para. 9

May training missiles and launchers be placed at deployment areas or support facilities?

Training missiles and training launchers for systems covered by this Treaty are subject to the same locational restrictions set forth in the Treaty for intermediate range and shorter range missiles and their launchers. That is, they must be in deployment areas, missile support facilities or in notified transit between such locations.

Article VIII, Para. 9

Are any Soviet missiles covered by this Treaty located at either declared or undeclared training facilities?

In the MOU, the Soviets have listed 14 SS-20 launchers at three training facilities: Serpukhov, Krasnodar, and the Training Center at the Kapustin Yar test range and five SS-12 launchers and seven SS-23 launchers at training facilities at Saratov, Kazan' and Kamenka. The data provided by the Soviet Union on training facilitiesa in the Memorandum of Understanding are generally within the ranges of intelligence community estimates.

Article IX, Paras. 1 & 2

Can we verify that all intermediate- and shorter-range missiles produced by the Soviets are listed in the MOU?

The Soviet numbers for deployed and non-deployed forces are for the most part near Intelligence Community estimates, allowing for the ranges of our uncertainties, except for differences in agency views on the number of non-deployed SS-20s.

Non-deployed force estimates for INF systems are less certain and vary by agency, depending on the methodology used for assessing production. Inasmuch as over the years the Soviets have tested some of the intermediate- and shorter-range missiles which they produced, such missiles would not be included in the MOU. Finally, in drafting the Treaty, the U.S. added provisions which would make it difficult to maintain a viable force using covert missiles and launchers.

Article IX

Paras. 1 & 2

The MOU is an integral part of the Treaty, and thus subject to advice and consent of the Senate. Will updates to the data in the MOU be similarly subject to Senate advice and consent?

The MOU, as an integral part of the INF Treaty, is subject to Senate advice and consent. In giving its advice and consent to ratification of the Treaty, the Senate would not be subscribing to the accuracy of Soviet data. Subsequent updates of data, as required by Article IX of the Treaty, in the categories contained in the MOU do not represent amendments to the MOU. Thus, these would not require Senate action.

Article IX

Paras. 1 & 2

Has the US asked the Soviet Union to declare an update of all data pertaining to facilities associated with missiles covered by this Treaty?

Under the provisions of the Treaty, the Soviets will be required to provide us, within thirty days after entry into force of the Treaty, with an update of all the data in the MOU as of the date of entry into force. With the exception of a provision for adding elimination facilities, the list of facilities in the MOU may not be increased. Subsequently, they are required periodically to update the data on the number of Treaty-accountable items located at the remaining INF facilities.

Article IX, Para 1

Do we expect to be told in this update of SS-20 facilities or launchers which were not included in the MOU?

Will we be certain at the time this data is exchanged that it includes all SS-20 facilities and launchers possessed by the Soviets?

These paragraphs make each party responsible for providing the numbers of their missile systems to be eliminated. How can we verify that the numbers of missile systems provided by the Soviets are accurate?

In signing the MOU, each party acknowledged responsibility for the accuracy of only its own data. The listing of this data, moreover, was only the first step in the stringent verification process established by the treaty. Under this process, the sides must exchange, not later than 30 days after the treaty enters into force, an initial update of all data in the MOU, current as of the date of entry into force. Each party then has the right to conduct an initial series of "baseline" inspections at each facility listed in the MOU (other than missile production facilities) to verify the accuracy of the data. Elimination of treaty-subject systems is then monitored through OSI, not in reliance on the data provided in the MOU. Further data updates are to be provided every six months thereafter.

Inaccurate data in the MOU would technically not be a treaty violation in that the data therein is current only as of November 1, 1987, which was prior to entry into force of the treaty. Inaccuracies in the initial update of data following entry into force, however, could constitute a violation of (Article IX (3).

Article IX

Paras. 1 & 2

If the Soviet numbers are indeed accurate, does this mean that we have not effectively eliminated "a whole class of nuclear weapons?"

Each Party is required to eliminate all treaty limited items for ground launched missiles in the ranges covered by this Treaty during the reductions period. Thus "an entire class of nuclear weapons" will be eliminated. With the bans on production and testing and the extensive verification measures contained in the Treaty, we believe the Soviets would be deterred from attempting to maintain a viable covert force of missiles and launchers within this class of weapons.

Article IX

Paras. 1 & 2

Did SALT I and SALT II allow each party to be responsible for their own data?

Only SALT II contained specific data in a Memorandum of Understanding. This data, which was much more limited than the data exchanged under the INF Treaty, was agreed between the Parties. The U.S. proposed the formula in the INF Treaty in which the Parties are held responsible for their own data in the MOU. This formula was proposed so that the U.S. could refrain from formally agreeing with Soviet supplied data until the U.S. could fully implement the verification measures in the Treaty. Baseline inspections will help give us the opportunity to verify the data contained in the initial data update including the elimination of any facilities listed in the MOU but not included in the first data update.

Article IX

Para. 5

Why is the information on the "location from which missiles and launchers are moved" provided for intermediate range missiles under this paragraph, but not provided for shorter range missiles?

Information on the "location from which missiles and launchers are moved" is provided for intermediate range missiles in order to assist verification of the requirement in Article X that missiles and launchers be moved from deployment areas to elimination facilities in complete organizational units. In addition, since SRMs can only be in transit to elimination facilities and most of them must be located there within 90 days after entry into force, there is less need for notifying the locations from which they are moved.

Article IX

Para. 5

Why is there an exception providing that notification on point of entry and departure time of teams inspecting support structures is unnecessary?

There is no on-site inspection of the actual process of elimination of support structures which is to be done in situ. Thus no information on the point of entry and departure times of inspection teams is provided in the notification of the intention to eliminate support structures. Other information in the notification will assist in the verification by National Technical Means of the elimination of support structures. In addition, during close out inspections of all missile operating bases provided for in Article XI, paragraphs 3 and 4, we will be able to confirm that support structures at these bases have been eliminated.

Article IX

Para. 5

Why must notification be provided after transit, as opposed to before or during transit?

The United States did not seek prior notification of transits in order to ensure the security from terrorists and others of missiles and lanuchers being moved from site to site. In addition, locations during transits are suceptible to change and thus a prior notification would not necessarily give as accurate information in distinguishing a bonafide transit from an illegal treaty limited item.

Article IX

Para. 5

Will we use National Technical Means to track transits prior to notification?

As is currently the case, the U.S. will be using National Techncial Means to observe Soviet INF missile movement. The post notification of transits will assist the U.S. in verifying, using information from a number of sources including National Technical Means, whether a given missile outside a deployment area or missile support facility is an illegal missile or a missile in permitted transit.

Article IX

Para. 5

If notifications of transits were provided in advance of transits, instead of after, would this free up NTM for other purpose such as seeking out Treaty violations?

No, it would not free up NTM assets. The United States never sought prior notification of transits because serious security considerations more than outweighed any advantage such notifications would have given. Any missile not located in a deployment area, missile support facility or in notified transit would be a violation of the Treaty. Seeking out such missiles would require the same NTM effort, regardless of the notifications provided.

Article IX

Para. 6

How do we know that the launchers permitted under this paragraph will be of boosters for space launch, and not for stages of missiles prohibited under this Treaty?

To help verify that booster systems launches are not used illegally for INF flight testing, the following limitations are placed on certain R & D booster systems.

-- stages used in such booster systems must be different from stages used in INF missiles listed in Article III of the Treaty;

-- such booster systems must be used only for research and development purposes to test objects other than the booster systems themselves;

-- the aggregate number of launchers for such systems shall not exceed 35 for each Party at any one time;

-- the launchers of such booster systems must be fixed, emplaced above ground and located only at research and development launch sites that are listed in the Memorandum of Understanding;

-- no new types of stages for such booster systems in the INF range band may be produced; and

-- notification of launches must be give ten days in advance.

These collateral constraints give us confidence that such R&D booster systems do not present an attractive means of developing an effective military system.

Article X

Para. 3

Why are shorter range missiles not similarly required to be removed in complete organizational units?

The U.S. proposed and the Soviets agreed to an approach under which all deployed shorter-range missiles and all deployed and non-deployed launchers for such missiles would be withdrawn to elimination sites within 90 days after entry into force of the Treaty. This requirement further obviates the need to remove them in complete operational units.

Article X

Para. 5

Why is elimination by launching limited to 100 missiles? The United States did not favor launching as a means of elimination of INF missiles but finally agreed to it as an expeditious means of getting Soviets agreement to complete elimination of all their intermediate range missiles within the three year time frame favored by the U.S. We sought limitations on the number and timing of launches for elimination, and the Soviets agreed to our proposal that such launches be limited to 100 intermediate range missiles in the first six months after the Treaty enters into force as well as other restrictions which would limit Soviet ability to use such launches as substitutes for flight testing.

Article X

Para. 5

Why is elimination by launching limited to intermediate-range missiles?

The United States did not favor launching as a means of elimination and only agreed to this method for eliminating intermediate range missiles under restrictive conditions to gain Soviet agreement to complete their intermediate range missile reductions within the three year time frame favored by the U.S. We were able to gain agreement on an 18 month elimination period for shorter range missiles without any elimination by means of launching.

Article X

Para. 5

Are the Soviets prohibited from using these launches for normal troop training launch tests, or ABM testing and research?

The Treaty requires elimination by means of launch to take place at designated elimination facilities with mandatory on-site inspection. The Treaty prohibits missiles eliminated by means of launching from being used as targets for ballistic missile interceptors and data from launches for elimination cannot be recovered except as unencrypted signals used for range safety purposes. In addition, all 100 of these launches must be completed within six months after the Treaty enters into force. These and other restrictions limit the practical use of launches for elimination for other purposes.

Article X

Para. 5

Can we verify that these launches will not be used for troop training, launch testing, or ABM testing research?

All launches for elimination are subject to advance notification and on-site inspection and will be monitored by NTM. The Elimination Protocol provides restrictions on such launches including that no missile be used as a target vehicle for ballistic missile interceptors and that neither party shall transmit or recover data from such launchers except for unencrypted data regarding range safety procedures. We are threfore confident that we can verify that launches are not being used for ABM testing. Moreover, given the limited time frame in which these launches must take place (the first six months after entry into force) and the limited number permitted (100 intermediate range missiles), their troop training and flight test value will be limited.

Article X, Para. 6

Are there any other Soviet intermediate- or shorter-range missiles which fall under the classification of this paragraph?

No. The data provided by the Soviet Union on IRM and SRM which have been tested but not deployed fall within the bounds of U.S. intelligence community estimates.

Article X

Para. 8

Does the "or when 60 days" have elapsed imply some close outs without on-site inspection?

If the other Party chooses not to carry out an inspection of a declared facility within 60 days after notification of the scheduled date of such a site's elimination, then that site may be considered eliminated without an on-site inspection. However, the choice is entirely up to the inspecting Party. Thus, the United States will have the option to inspect any site for which it has received a formal notification of elimination.

Article X

Para. 8

What is the utility of limiting the time available for on-site close out inspections?

The 60 day limit on the time available for on-site close out inspections was agreed in order to prevent one Party from inordinately delaying the elimination of a facility of the other Party by refusing to carry out a close out inspection.

Article X

Para. 8

Which are the deployment areas, operating bases and support facilities listed in the MOU that shall be considered to have been already eliminated by virtue of meeting the conditions of this paragraph prior to entry into force?

Any deployment area, operating base or support facility which a party does not include in the initial data update exchanged within thirty after the Treaty enters into force will be considered to have been eliminated by virtue of meeting the conditions of this paragraph prior to entry into force. All such sites will be subject to a baseline inspection which will also serve as a close out inspection to confirm that these sites have in fact been eliminated. During the thirteen years after the Treaty enters into force, they will be subject to short notice inspections under the quotas for such inspections.

Article X

Para. 8

What inspection rights do we have to assure that the conditions of this paragraph have been met by any facilities exempted by this provision?

No sites are exempted from inspections by this provision. All declared INF facilities, except missile production facilities, listed in the MOU will be subject to baseline inspectionss. In the case of a facility eliminated prior to entry into force, the baseline inspection will also serve as a close out inspection. During the thirteen years after the Treaty enters into force, they will also be subject to short notice inspections under the quotas for such inspections.

Article X

Para. 8

Does this paragraph allow the Soviets to claim that bases or facilities have been eliminated prior to entry into force and thus exempt them from on-site inspection?

No. All facilities listed in the MOU, except missile production facilities, are subject to baseline inspections and short notice inspections for thirteen years after the Treaty enters into force.

Article X

Para. 9

This paragraph exempts from the Treaty bases which are converted to bases for missiles not covered by the Treaty. What conversions are envisioned under this paragraph?

This paragraph does not exempt from the inspection provisions of the Treaty bases that are converted to bases for missiles not covered by this Treaty. Such bases will be subject to the same baseline, closeout and short notice inspections as bases which are not converted. This paragraph adds an additional requirement that the conversion of bases must also be notified and that the notification must include the purpose for which the base will be converted. One conversion envisioned under this paragraph would be the conversion of an SS-20 base to an SS-25 base. Such an SS-25 base would thus be subject to on-site inspection.

Article X

Para. 9

What will be the range of the missiles at these converted bases? Bases may be converted for use by missiles not covered by this Treaty, that is, missiles with ranges below 500 km and missiles with ranges above 5500 km.

Article X

Para. 9

Does the Treaty prohibit missiles at these converted bases from carrying nuclear warheads taken off eliminated missiles?

No.

Article XI, Para. 2

Is the Basing Agreement necessary for implementation of this treaty? If so, will it be transmitted to the Senate for advice and consent?

Yes, since the active cooperation of our Allies will be necessary for implementation of this treaty. The agreement has been transmitted to the Senate for its information.

ARTICLE XI

Para. 3

Why are production facilities exempt from "baseline" inspections?

Only missile production facilities are exempt from interior, on-site inspection. Launcher production facilities are subject to baseline, short-notice, and close-out inspections. Missile production sites are exempted because of national security requirements; in our case to protect non-INF sensitive activities at production sites from Soviet inspectors.

Article XI

Para. 3

Why may "baseline" inspections be conducted only at known bases and facilities as opposed to "suspect" bases and facilities?

We considered an "anytime, anywhere" inspection regime. In the context of the Soviet acceptance of our "double global zero" proposal, we concluded that "anytime, anywhere" inspections were not essential given the extensive and unprecedented nature of our verification procedures as a whole. Because a verification regime is reciprocal, we also had to weigh verification benefits against U.S. and Allied security concerns. We did not believe it necessary for the purpose of the INF Treaty to subject sensitive U.S. facilities to the possibility of Soviet inspection. It was thus the conclusion of the administration that, in the context of the INF Treaty, "anytime, anywhere," inspections added little to the already extensive and unprecedented INF verification regime when balanced against the possible risks to other U.S. and Allied security interests which they raised.

Article XI, Para 3

How can we be sure that "baseline" inspections will reveal all systems possessed by the Soviets if "suspect" locations may not be inspected?

The role of "baseline" inspections, to be conducted shortly after the INF Treaty enters into force, is to verify the number of Treaty-limited systems as listed in the data update, specifically missiles and launchers, at "declared" facilities, including bases at which missiles are operating, repaired and stored. It was the conclusion of the Administration that, in the context of the INF Treaty, "anytime, anywhere" suspect site inspections added little to the already extensive and unprecedented INF verification regime when balanced against the possible risks to other U.S. and Allied security interests.

Article XI

Para. 4

Why are additional inspections of facilities previously inspected under paragraph 3 after their scheduled date of elimination prohibited?

Paragraph 3 of Article XI concerns baseline inspections. Paragraph 4 of Article XI concerns close-out inspections. Baseline and close-out inspections can be combined. If a facility is eliminated prior to entry into force of the Treaty, then we have the right to inspect that site once under a combination baseline/close-out inspection to determine that all Treaty-limited activities have ceased and all Treaty-limited items have been removed. This facility will still be subject to short-notice inspection for thirteen years after the Treaty enters into force.

Article XI

Para. 4

What if a facility previously inspected under paragraph 3 is not eliminated by the scheduled date?

Paragraph 3 of Article XI concerns Baseline Inspections. All facilities listed in the MOU except missile production facilities will be subject to Baseline Inspection. If the Soviets notify us that a facility is scheduled for elimination by a certain date, they know that our inspectors have the right to inspect that facility within sixty days after the date of scheduled elimination; if they are unable to meet this scedule, they should notify us that the facility will not be eliminated by that date. We will not consider the facility eliminated until it meets all of the conditions in Article X, para 8, i.e., all Treaty-limited items must be removed and all Treaty-limited activity must stop.

Article XI

Para. 5

Why is there a limitation that no more than half of "spot" inspections be made within any one basing country?

The U.S. proposed this provision to keep the Soviets from using their quota of short-notice inspections to focus attention excessively on a single NATO basing country.

Article XI, Para. 6

Are "continuous" inspections limited to portals and not to the perimeters?

The Parties can inspect the perimeters as often as they wish.

Article XI

Para. 6

Can perimeters be continuously monitored?

Yes, under the portal monitoring system all of the exits of the facility will be monitored by sensors and U.S. inspectors will have the right to patrol the perimeter of the site at any time.

Article XI, Para. 6

If the Soviets terminate production at a facility for 12 months, will our inspectors be sent home?

The U.S. has an unqualified right to maintain a continuous portal monitoring system at Votkinsk for at least three years after the treaty enters into force. After the first two years, we can maintain our continuous portal monitoring system at Votkinsk until the Soviets cease final assembly of SS-25s. When we are notified that such assembly of SS-25s has ceased at Votkinsk, we can remain there for an additional year. Thus, the U.S. will be at Votkinsk for at least three years (but no more than 13 years) after the treaty enters into force. If U.S. portal monitoring is discontinued in the USSR, then the Soviets will have to discontinue continuous portal monitoring in the U.S.

In addition, the U.S. has the right for 13 years to establish a continuous portal monitoring system at any facility where final assembly of a multi-stage missile that uses a stage outwardly similar to a stage of a missile banned by the Treaty takes place.

Article XI

Para. 6

If termination of production comes about, how would we know if production re-initiated?

We would use National Technical Means to help identify any reinitiation of the final assembly of missiles using a stage that is outwardly similar to but not interchangeable with a stage of the SS-20. If final assembly is reinitiated, we would have the right to reestablish portal monitoring at the facility where final assembly takes place. It is important to note that the Soviets are obligated by the terms of this provision to ensure that we can establish a permenant continuous monitoring system at any such final assembly facility within six months of initiation of the process of final assembly; otherwise, the Soviets would be in violation of the Treaty. As well as NTM, naturally, we will use all available intelligence collection methods to monitor for illegal production.

ARTICLE XII

Para. 1

Do the Soviets recognize general principles of international law?

How does our understanding of these principles differ from that of the Soviets?

Which interpretation of the principles of international law will govern the Treaty? ours or the Soviets?

There are a number of areas in which we have differences with the Soviets as to what constitutes lawful international behavior. However, Article XII (1) deals specifically with the question of NTM for verification of the Treaty, and there our views are not substantially different. In particular, the Soviets have not contested the legality of using satellites for arms control verification, and presumably would agree that under Article XII such satellites may not be interfered with. The same would be true with respect to NTM activities for Treaty verification in third countries.

Article XII, Para. 2

Why is interference with National Technical Means permitted for normal training, maintenance and operations?

Does this exemption legitimize Soviet camouflage, concealment and deception?

The Treaty does not legitimize concealment. Quite the contrary, Article XII, paragraph 2(b), bans "...concealment measures which impede verification of compliance with the provisions of this Treaty by national technical means of verification..."

The United States sought this provision in the Treaty as part of a vigorous verification regime, and successfully resisted Soviet attempts to limit the ban on concealment to any "deliberate" concealment.

The Treaty, however, does permit concealment within the deployment areas associated with normal training, maintenance, and operations. This requirement reflects a balance of verification benefits with operational requirements. In this case, the survivability of mobile ground-launched missiles depends in part on their ability to operate within fairly large areas and to hide from the enemy. These wartime procedures

must, of course, be practiced in peacetime. One objective of the U.S. was to ensure that we maintained the operational effectiveness of the residual deployed INF force throughout the drawdown period. Therefore, the U.S. sought, and the Soviets accepted, a limited exemption to a ban on concealment to permit, within the deployment area, concealment practices associated with normal training, maintenance and operations.

Article XII

Para. 2

Does this exemption represent a retreat from the SALT I and II prohibition against "deliberate" interference with National Technical Means of verification?

No. The language on cover and concealment measures associated with normal training, maintenance and operations was designed to meet U.S. operational needs for environmental shelters and camoflage in deployment areas. The Soviets readily accepted this language. The locational restrictions in the Treaty will apply, but the sides will be able under this language to train their crews -- for mobile missile crews this training involves instruction in concealment techniques -- and conduct maintenance and normal operations, including storing Treaty-limited items in environmental shelters. For as long as possible during the reduction period, it is important for the U.S. to maintain the operational capability of much of its missile force. This provision also gives the Soviets an additional incentive to make assymmetric reductions from the outset and provides an insurance policy against early Soviet noncompliance with their reduction obligations under the Treaty. Moreover, the deletion of "deliberate" (at U.S. insistence), is a step forward because we eliminate the need to make a subjective judgement about the purpose of concealment, while preserving our rights under this paragraph for operational activities.

Article XII

Para. 2

Will this exemption allow the Soviets to hide missiles in violation of the Treaty?

The missile operating bases within the deployment area will be subject to on-site inspection. At the end of the three year reduction period, all Treaty-limited items must be eliminated and all Treaty-limited activity must cease. Because of the other major restrictions in the Treaty, including the flight test ban and the production ban, it will be very difficult for the Soviets to maintain an operational covert missile force. Since the Treaty requires both sides to eliminate completely Treaty-limited missiles and launchers, with a combination of NTM and on-site inspection, we will be able to create doubt in the Soviets' minds that they can conceal Treaty-limited items and quickly make them operational.

Article XII

Para. 3

What is to be displayed for satellite inspection, the missiles or the canisters?

The canisters on their launchers will be displayed. At operational bases, Soviet SS-20s and SS-25s are stored in canisters which are carried on their launchers.

Article XII

Para. 3

Could SS-20s conceivably be hidden in SS-25 canisters?

An SS-20 missile is smaller than an SS-25 canister so an SS-20 missile will fit into an SS-25 canister. However, the Soviets will not have a strong incentive to do this. One reason is techncial. An SS-20 probably could not be launched from an SS-25 canister without extensive modifications to the canister. A second reason is the risk of detection. The opportunity to inspect (using non-destructive imaging) every canister that leaves the SS-25 final assembly facility with the the right to open eight SS-25 canisters per year there, combined with enhanced NTM monitoring and on-site inspection rights for thirteen years at SS-20 bases including those that are converted to SS-25 bases, is likely to deter the Soviets from covertly hiding an SS-20 in an SS-25 canister.

Article XII

Para. 3

Could we detect whether SS-20s are hidden in these canisters?

We have the right to on-site inspection of SS-20 bases that are converted to SS-25 bases where we will be able to inspect any object as large as the smallest stage of any missile covered by this Treaty. Our inspectors will have measuring devices and radiation detection devices. With radiation detection devices we should be able to distinguish the SS-20 from the SS-25. Also, we have the right to conduct continuous portal monitoring for up to thirteen years of the SS-25 final assembly facility at Votkinsk or any other facility where missiles are assembled using a stage which is outwardly similar to but not interchangeable with the first stage of the SS-20. We will have the right to weigh and measure all vehicles leaving the facility. If the vehicle is large enough and heavy enough to contain a Soviet Treaty-limited GLBM we will have the right to inspect the interior of that vehicle. In addition, eight times a year we will have the right to demand that the Soviets open an SS-25 canister so we can see the interior of the canister to determine that it does not contain an SS-20.

No one of these methods is foolproof. Taken together, however, they create a significant deterrent to cheating. moreover, the question can be asked why the Soviets would seek to replace their ICBMs with INF missiles.

Article XIII, Para 1

How will the "Special Verification Commission" be constituted, structured and staffed?

How will the Commission handle disputes?

What procedures will the Commission have to assure resolution of disputes?

The Special Verification Commission is a body established pursuant to Article XIII of the INF Treaty to promote the objectives and implementation of the Treaty.

-- It is to meet at the request of either Party to resolve questions relating to compliance with the Treaty, and tonegotiate measures to improve the viability and effectiveness of the Treaty.

-- The SVC could play a role in clarifying technical aspects of specific compliance issues, or, alternatively, in developing procedures and understandings to clarify and reduce the possibility for future ambiguous situations.

Article XIII

Para. 1

What kind of enforcement powers does the commission have?

The Special Verification Commission does not have any enforcement powers. The Commission is one mechanism, along with for example diplomatic channels, where the two sides can meet to attempt to resolve questions relating to compliance with the Treaty and to attempt to agree upon such measures as may be necessary to improve the viability and effectiveness of the Treaty. If we are not satisfied with Soviet response, we can pursue a variety of means to seek to resolve compliance questions, reserving the ultimate right to withdraw from the Treaty.

Article XIII

Para. 1

Will the Commission have any power to levy any penalties against a party which violates the Treaty?, and if so, what kind of penalties?

The Special Verification Commission will not have the power to levy any penalties against a party which violates the Treaty. It is one forum in which we can address issues related to Treaty violations and attempt to resolve them through negotiation. The Commission will meet at the request of either side.

Article XIII

Para. 1

How effective has the "Standing Consultative Commission" which monitors SALT I and II been in resolving compliance questions regarding those agreements?

It was never intended that the SCC "resolve compliance questions," but only that it serve as a vehicle of communication for the two governments to resolve compliance questions. Overall, we have been disappointed that the two governments have not been able to resolve the many questions we have raised about Soviet compliance with past arms control agreements. The Krasnoyarsk radar dispute is a case in point. We have discussed it extensively in the SCC, but to no avail. Public concern and diplomatic exchanges have been more helpful in getting the Soviet Union to at last react to U.S. questions.

This experience we have had with the SCC led the U.S. to propose some of the changes which were adopted in the INF Treaty for its Special Verification Commission. We see the SVC as one of a number of mechanisms that we will use in implementing the INF Treaty. The convening of the SVC will be on an ad hoc basis and we will utilize other tools including diplomatic channels both with regard to compliance and improving the effectiveness of the Treaty.

Article XIII, Para. 1

How does the "Special Verification Commission" differ from the "Standing Consultative Commission?"

No one would claim that a bilateral commission like the SCC or the new body proposed for the INF Treaty could, by itself, deal effectively with U.S. compliance concerns. An effective U.S. compliance policy starts with a determination to treat compliance issues seriously, a defense posture which gives the Soviet Union real-world incentives to keep serious arms control agreements alive, and various diplomatic channels through which to raise and resolve compliance issues. These diplomatic channels include embassy, miniserial and higher-level channels where important issues are resolved in the overall context of the bilateral relationship.

They also include special arms control bodies like the SCC and the new Special Verification Commission, where arms control compliance issues can be raised and aired by experts, and where the other side can hopefully be made to understand the exact character of our concerns and the importance we attach to them. These specialized bodies obviously cannot compel the Soviets to comply with their treaty obligations, and reliance on them alone could not produce an effective compliance policy -- that was never their function or their goal.

However, the new Special Verfiication Commission can perform important functions. It provides a regular forum for placing compliance issues on the table, and talking them out in the length and detail they often require. It provides a means for working out any misunderstandings, and for resolving them where there is the political will to do so. And it provides a mechanism for negotiating changes to existing verification procedures to improve the viability and effectiveness of the Treaty. For these reasons, the new Commission is an important part of the Treaty scheme, even though it could not, by itself, solve all such problems.

Article XIII

Para. 1(b)

This subparagraph permits the parties to meet "within the framework" of the Commission to "agree upon such measures as may be necessary to improve the viability and effectiveness of this Treaty."

Since the subparagraph, however, does not provide for Senate ratification of any "measures" which change the substantive content of the Treaty, does this mechanism subvert the constitutional treaty process?

Treaty amendments are subject to ratification, which for the U.S., requires the advice and consent of the Senate. However, the purpose of this language and the counterpart language in the Elimination Protocol and the Inspection Protocol is to make it possible for the parties to agree on changes in the detailed technical provisions for elimination of INF systems and the conduct of inspections without going through the ratification process. Such changes may be agreed through the Special Verification Commission. This procedure will not be used to change substantive Treaty obligations, but to modify technical details in an expedited manner to ensure that inspections and elimination operations continue to work effectively. We cannot expect to anticipate all technical problems which might arise, and we need to have a means of making timely technical adjustments.

Under the Case Act, the Congress will be informed of any such technical changes. Any changes which substantively affect U.S.obligations under the Treaty will be submitted to the Senate for its advice and consent.

This procedure is entirely consistent with the Senate's constitutional role, and in fact similar arrangements have been included in a number of Treaties adopted in recent years. Maritime and environmental treaties, for example, often provide for the amendment of technical protocols or annexes without triggering Senate reconsideration of its advice and consent.

Article XIV

Does this Article unnecessarily restrict the President's power to conduct foreign policy?

Article XIV simply reflects the duty of each Party under customary international law to comply with the Treaty. This Article is not a non circumvention provision. It does not impose any additional obligation on the Parties, nor does it broaden the interpretation of other obligations in the Treaty. Further, it refers only to the assumption of obligations in the future, and existing agreements are therefore not affected in any event. Article XIV will not affect existing patterns of defense collaboration or cooperation with our Allies. Nor will this provision preclude cooperation with our Allies in modernization. Thus this Article will not unnecessarily restrict the President's power to conduct foreign policy.

Article XIV

Are the prohibitions called for in this provision constitutionally binding under U.S. domestic law?

A Treaty which is duly signed and ratified with the advice and consent of the Senate has the force of law in the United States pursuant to Article VI of the Constitution.

Does this Article prohibit the President from assisting NATO Allies to develop their own missile systems?

Article XIV

Does this Article prohibit the President from assisting NATO Allies to develop their own missile systems?

The Treaty prohibits us from producing or transferring a missile, missile stage or launcher for a Treaty limited GLCM or GLBM. It does not prohibit the production or transfer of lesser components, technology or blueprints and the United States rejected Soviet proposals for such prohibitions. In any event, each such issue would have to be dealt with on a case-by-case basis, taking into account the obligation to comply in good faith with the Treaty.

Article XIV

If so, does this Article provide the Soviet Union the right to indirectly restrict Britain and France despite Soviet pronouncements that the INF Treaty would exclude British and French missiles?

This Article and indeed the entire Treaty places no restrictions on the United Kingdom or France. The only restrictions are on the United States and they are as described above. The Treaty places no restriction on the established United States pattern of cooperation with the United Kingdom.

Article XV, para 2

This paragraph provides that a party to the Treaty may withdraw if its "supreme interests" have been "jeopardized." Is this to be a determination made solely by the withdrawing party?

This is a determination made solely by the withdrawing party. Article XV, however, requires the Party to include a statement of the extraordinary events which have jeopardized its supreme interests.

Article XV, para 2

Could the Soviet Union conceivably withdraw as soon as all U.S. Pershing IIs have been destroyed?

There is no time limit on when a Party is permitted to withdraw from the Treaty. The U.S., however, likely will not destroy its last Pershing II until near the end of the three year period of elimination at the same time destruction of all Soviet SS-20's and other Treaty-limited systems will be completed. This process will be in accord with paragraph 2 of Article IV which states "that both parties shall begin and continue throughout the duration of each phase" the reduction of all Treaty-limited items.

Article XV, para 2

This paragraph also provides that six months notice must be given prior to withdrawal from the Treaty. If the Soviets cheat in such a way as to jeopardize the supreme interests of the U.S., would the U.S. have to wait six months before withdrawing from the Treaty.

If the Soviets commit a material breach of the Treaty, the U.S. would not have to wait six months. Under generally recognized principles of international law, a material breach by one of the Parties to a bilateral Treaty entitles the other to invoke the breach as a ground for terminating the Treaty or suspending its operation in whole or in part.

Article XVI

This Article provides that amendments shall be effective "in accordance with the constitutional procedures of each Party". Since the Supreme Court has determined that international agreements made by the President are constitutionally valid, does this mean that future major changes to the Treaty can be undertaken with Senate advice and consent?

This article stipulates that amendments will enter into force in accordance with the same procedures set forth for entry into force of the Treaty itself. The procedures for the Treaty include the advice and consent of the Senate to its ratification. Thus ratification of amendments to the Treaty will also be subject to the advice and consent of the Senate.

Article XVI

Should the Senate, for its own purposes, clarify that no amendments to the Treaty can lawfully be made without both the advice and consent of the Senate?

There is no reason for such a stipulation since the Treaty subjects the entry into force of amendments to the same procedures as the Treaty, i.e., with the advice and consent of the Senate.

ELIMINATION PROTOCOL QUESTIONS

Section I, Para 1

This paragraph lists among the missiles to be eliminated, the Pershing I-A. But is this missile operational?

If not, why would the Soviets care about having it eliminated?

Does our agreement to eliminate this missile place any pressure on West Germany to eliminate theirs?

To what extent does the including of the U.S. Pershing I-A among the missiles to be eliminated enable the Soviets to "capture" West German Pershing I-As.?

The U.S. has no deployed Pershing I-As. The INF Treaty, however, eliminates a whole class of missile systems, -- whether these systems are deployed or non-deployed. Both the Soviets and the U.S. have significant numbers of non-deployed missiles and will be required to eliminate them. The Soviets have only non-deployed SS-5s, but they will, also have to be eliminated.

Our agreement to eliminate all of our Pershing I-As has no impact whatsoever on the German-owned Pershing I-A missiles. Decisions about these German-owned missiles are solely in the hands of the Federal Republic of Germany. The U.S. will not be required to withdraw the U.S.-owned reentry vehicles for these German missiles until, upon a unilateral FRG decision, these reentry vehicles are released from the existing program of cooperation.

Section I, Paragraph 2

This paragraph lists among the Soviet missiles to be eliminated the SS-4 and the SS-5. Are the softpads and silos associated with these missiles to be eliminated under this Treaty? If not, what other military purposes could these softpads and silos be used for?

The silos once used for these missiles have not been in use for a number of years. The Soviet side at the negotiating table stated that these silos have been rendered inoperable and have been neglected or even turned over to civilian uses. For 13 years after entry into force of the Treaty, the U.S., however, will be able to inspect SS-4 silos of its choosing to increase its confidence that such silos have not been reactivated as missile launchers.

The launch pads (softpads) of the SS-4s and SS-5s, like the launch pads for the Pershing II, will not have to be eliminated. It was clear to both sides that requiring elimination of these specific concrete slabs was unnecessary, especially given the fact that various types of concrete slabs are widely available to both sides and could be built without Treaty restrictions. In the case of the U.S. side, such Pershing II concrete pads may be useful for other purposes.

Section I, Paragraph 5

This paragraph requires that all front sections of deployed missiles covered by the treaty be eliminated. The MOU requires that parties provide pictures of the missiles to be eliminated. Since the front section is an integral part of the SS-23, and is to be eliminated in accordance with this paragraph, would the Soviets' failure to provide a picture of the SS-23 front section constitute a treaty violation?

Do we have any pictures of the front sections of the SS-23? If not, could we verify that what is being eliminated is actually an SS-23 front section?

Our basic objective in requesting photos was to help inspectors identify missiles for purposes of accountability. The SS-23 photo provided by the Soviets was sufficient to identify this missile.

Section II, Paragraph 2

This paragraph provides for special treatment for training missile systems. What is this special treatment, and its rationale?

Both sides will have the right to conduct on-site inspections to verify that the elimination procedures for training assets have been accomplished. There is no need to remove these training assets to an elimination site for destruction. Because training missiles are not lethal and training launchers cannot launch missiles, there is no need to require on-site inspection of their elimination procedures. U.S. training assets are located at various facilities from which it would be unnecessarily expensive to transport such items to elimination facilities. This arrangement was agreed upon primarily at U.S. insistence.

Section II, Paragraph 3

This paragraph permits the parties to remove nuclear warheads and guidance systems from the missiles to be eliminated. Why was this exemption created?

What is the total amount (in number and explosive power) of warheads each party will be able to remove from the missiles covered by the treaty?

Are the Soviets prohibited from reloading these warheads onto newer missiles with INF for inter-contintental capabilities?

Will the United States remove its warheads from missiles prior to elimination, and if so, what will it do with them?

The INF Treaty does not require physical destruction of the actual nuclear explosive devices. By destroying the means of delivering INF missile nuclear warhead devices, the Treaty will remove the military threat posed by them. For a number of reasons, the U.S. determined that it would not be in our nterest to eliminate the nuclear warhead devices themselves. Verifying the elimination of nuclear warhead devices raises formidable technical challenges and difficult security issues. Intrusive verification measures could disclose sensitive nuclear weapons information to the Soviet Union. Finally, the nuclear warhead devices contain costly and scarce resources which it would be imprudent to destroy.

Each Party will be able to remove the nuclear warhead device from its missile "front section". As "explosive power" was not an element of the Treaty negotiations, it was not calculated. The nuclear warhead device, however, cannot simply be "reloaded" onto ICBMs.

The U.S. will remove its nuclear warhead devices from missile front sections prior to elimination. DOE reports there are currently no firm plans designating INF nuclear explosive devices for other military uses. The INF nuclear explosive devices will be stored pending identification of any weapon programs in which they would be used and, if no such programs materialize, will be routinely retired and disassembled. The DOD/DOE approach to this mater is to seek pragmatic, financially judicious outcomes. It is clear, however, that the availability of these INF nuclear explosive devices will have no impact whatsoever on force planning as such. New nuclear delivery vehicles will not be produced in order to take advantage of old INF nuclear explosive devices, but if new nuclear delivery systems, in the normal course of modernization requirements, could make use of such devices, we could save money and other scarce resources.

Section II, Paragraph 8

This paragraph provides for special treatment for training missile systems. What is this special treatment, and its rationale?

Both sides will have the right, to conduct on-site inspections to verify that the elimination procedures for training assets have been accomplished. There is no need to remove these training assets to an elimination site for destruction. Because training missiles are not lethal and training launchers cannot launch missiles, there is no need to require on-site inspection of their elimination procedures. U.S. training assets are located at various facilities from which it would be unnecessarily expensive to transport such items to elimination facilities. This arrangement was agreed upon primarily at U.S. insistence.

Section II, Paragraph 9

This paragraph provides, in part, that the parties withdraw reentry vehicles released from existing programs of cooperation. Are reentry vehicles considered to be part of the warhead, and thus not subjected to elimination?

Does this refer solely to the deactivated Pershing I-A missile? If so, why did the Soviets request this provision?

The reentry vehicle is that portion of a ballistic missile that actually reenters the atmosphere and contains the nuclear warhead device. As in the case of all other items subject to this Treaty, these reentry vehicles are subject to elimination in accordance with the procedures set forth in the Elimination Protocol, and their nuclear warhead devices will be removed prior to the elimination of the reentry vehicles.

The only such existing program of cooperation we have is that with the FRG covering the reentry vehicles owned and maintained by the U.S. for use on the German Pershing I-A missiles. These reentry vehicles will be withdrawn and eliminated only when, upon a unilateral FRG decision, they are released from that existing program of cooperation. We prefer not to speculate about Soviet motivations for seeking this provision.

Section II, Paragraph 10

This paragraph provides, in part, for the elimination of launchers and vehicles. Why does it provide that the launchers and vehicles for our missiles must be cut in half, while Soviet missiles and vehicles need have approximately 1 meter cut off.

Does this enable the Soviets to maintain the integral vehicle?

What are the reasons for this unequal requirement?

The U.S. launchers subject to this Treaty have "prime movers" (ten-ton tractors) that can be detached from their launcher trailers. The Elimination Protocol permits the U.S. to preserve those detachable ten-ton tractors -- a right we insisted upon. Furthermore, the U.S. had the option to insist on the same elimination procedures for its launcher trailers as dictated for the Soviet launchers (to include cutting off the aft portion). The U.S. decided to cut those trailers in half as the most cost effective approach.

The Soviet launchers subject to this Treaty do not have detachable prime movers. In fact, these Soviet launchers are designed in such a way that, if the trailer portion were cut anywhere other than aft of the rear axle, the "prime mover" portion of the vehicle would be unusable. The agreed

elimination procedures for both sides, therefore, permit the Soviets to preserve, on a reciprocal basis, "prime movers" from their launchers. These elimination procedures, however, effectively eliminate the launch capability of the Soviet launchers--the Soviets must remove all erector launcher mechanisms from these vehicles and cut them in half; they must cut off the mountings for these mechanisms; they must remove the leveling support jacks from these vehicles and cut them in half; and they must cut off the aft portion of the vehicles which accommodate the erector launcher mechanisms and support the missile when erected.

Following completion of these procedures, these Soviet vehicles will no longer be long enough to accommodate a missile and will lack the structural integrity required to support the erector launcher mechanisms and missile.

Section II, Paragraph 11

This paragraph provides for special treatment for training missile systems. What is this special treatment, and its rationale?

Both sides will have the right, to conduct on-site inspections to verify that the elimination procedures for training assets have been accomplished. There is no need to remove these training assets to an elimination site for destruction. Because training missiles are not lethal and training launchers cannot launch missiles, there is no need to require on-site inspection of their elimination procedures. U.S. training assets are located at various facilities from which it would be unnecessarily expensive to transport such items to elimination facilities. This arrangement was agreed upon primarily at U.S. insistence.

Section III, Paragraph 1

This paragraph provides for elimination of missiles by launching. What is the rationale for permitting elimination by launching?

Can launches for the purpose of elimination be used by the Soviets for troop training or reliability testing?

What advantages would the Soviet gain by using elimination launches for troop training or reliability testing?

Can we verify that the Soviets are not using elimination launches for these purposes? Will the United States use elimination launches for these purposes?

During the negotiations, the U.S. firmly insisted that the missiles of both sides be eliminated within a three-year period. The Soviets initially claimed it would be impossible to eliminate all their missiles within a three-year period--they proposed a five-year period of elimination. Secretary Shultz and Foreign Minister Shevardnadze decided to supplement the delegations with technical experts in order to resolve this issue. Following the meetings of those technical experts, the Soviets agreed they could in fact eliminate all their missiles within a three-year period as long as they were permitted to eliminate some of them by means of launching.

The U.S. side agreed to permit a limited number of such launches to destruction under very strict provisions: only 100 missiles could be launched; these launches would have to take place within the first six months; no test data can be collected or broadcast from such launches; these launches will be subject to on-site inspection before and during launch.

Under these conditions, the Soviets could gain very little from such launches in terms of reliability testing. Furthermore, the Soviets have been conducting troop training and reliability testing on the SS-20 for over ten years--they would not stand to gain much from a six-month extension of such training and testing even if launches to destruction were marginally useful in those regards.

We will be able to verify that the Soviets do not collect test data from launches to destruction.

The U.S. has not determined whether it will eliminate missiles by launch.

Section III, Paragraph 2

This paragraph prohibits the use of elimination launches as targets for ballistic missile interceptors. Does this prohibition extend to the use of launches to track the missile with ABM or Air Defense Radar? If not, will we use launches for these purposes?

This provision contains no restriction on any type of radar tracking. The U.S. is carefully considering whether it will exercise its right to launches for destruction as well as whether it will track such launches with various radars.

Section III, Paragraph 4

This paragraph prohibits the transmission or recovery of data from such missiles except for range safety purposes.

How is "range safety" defined?

Can the Soviets put telemetry packages on missiles and declare them to be unencrypted data used for range safety practices?

The allowance for range safety data was driven by the U.S. requirement to have range safety destruction packages on any missiles that would be launched to destruction. It was made clear at the negotiating table that this "range safety" data would be that unencrypted data necessary to indicate if the missile was malfunctioning in such a manner that it might have to be destroyed in flight. We would be able to determine the difference between this type of transmission and any telemetry.

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Section IV, Paragraph 1

What is the smallest support structure item, by system, limited by this treaty, and do the provisions of this Section permit the parties to search in situ for these items?

The Treaty requires the elimination of two support structures--the launch garage (fixed structure for a launcher) of the SS-20 and the launch pad shelter for the Pershing II. The Treaty also provides for on-site inspection to verify that the support structure elimination procedures required in this paragraph have been completed.

Section IV, Paragraph 2 1

Under this paragraph, the propellant tanks of SS-4 missiles require specific dismantling procedures. Are SS-4 soft pads and silos similarly subject to elimination?

The silos once used for these missiles have not been in use for a number of years. The Soviet side at the negotiating table stated that these silos have been rendered inoperable and have been neglected or even turned over to civilian uses. For 13 years after entry into force of the Treaty, the U.S., however, will be able to inspect on-site six SS-4 silos of its choosing to increase its confidence that such silos have not been reactivated as missile launchers.

The launch pads (softpads) of the SS-4s and SS-5s, like the launch pads for the Pershing II, will not have to be eliminated. It was clear to both sides that requiring elimination of these specific concrete slabs was unnecessary, especially given the fact that various types of concrete slabs are widely available to both sides and could be built without Treaty restrictions. In the case of the U.S. side, such Pershing II concrete pads may be useful for other purposes.

Section IV, Paragraph 3(c)

This paragraph requires that training systems not eliminated at elimination facilities be eliminated in situ.

But are both test range test and training launchers also to be eliminated, and if so, can the parties conduct on-site inspection of these eliminations?

How would test launchers be distinguished from training launchers?

This paragraph deals with training assets, including training launchers--it does not contain any provision for test launchers. For both sides, the training launchers being referred to are vehicles used in driver-training for launchers. These driver training vehicles somewhat resemble launchers and carry weight/load simulators. These vehicles cannot launch a missile. They will be subject to the initial baseline on-site inspection. Both sides have the right, if they choose, to conduct on-site inspections to verify that the elimination procedures for these vehicles have been completed.

Section V, Paragraph 2

This paragraph provides for the elimination of missile systems by static display. How will elimination be undertaken, and how will we verify such eliminations?

How will on-site inspections of these systems reveal whether or not systems have been rendered unusable, their missile propellants removed, or their erector launcher mechanisms rendered inoperative?

Each party shall be limited to a total of 15 such missiles, canisters, and launchers on static display. Prior to being placed on static display, a missile, launch canister or launcher shall be rendered unusable for purposes inconsistent with the Treaty. Missile propellant shall be removed and erector launcher mechanisms shall be rendered inoperative. Both sides will have the right to conduct on-site inspections of each of the items being eliminated by this method.

On-site inspectors will have no difficulty in determining that these missiles are inert and that, for launchers, various erector launcher mechanisms are inoperable, if indeed they are even fully in place.

Protocol Regarding Inspections

Section II, Para. 2

This paragraph refers to the Basing Country Agreements. Are these agreements an integral part of the treaty? Will they be submitted to the Senate for its advice and consent? Will our basing countries be exchanging notes with the Soviets? Will these notes be made available to the Senate?

The BCA is important to our ability to implement the Treaty, because it is the BCA that comits the Western basing countries to permit Soviet inspectors to perform inspections called for by the Treaty in those countries. However, the advice and consent of the Senate is not needed -- the only obligations we undertake under the BCA are to use our rights under the Treaty in ways that will protect the basing countries' interests. Once the Treaty enters into force, we will be able to do this without any further ratification action by the Senate or legislation by the Congress, and the BCA will not enter into force unless and until the Treaty does. Therefore, the President can proceed with the BCA as an executive agreement, and there is no need for Senate advice and consent. However, we wanted the Senate to be fully aware of its provisions and its role, and so we transmitted it to the Senate along with the Treaty for the information of the Senate.

Section III, Para 3

This paragraph provides, in part, that we may strike continuous monitors from the list provided by the Soviets.

Is there a maximum number to which we may object?

Will KGB and GRU agents be included among the monitors?

May we also object to inspectors of "close-out", "baseline", "elimination" and "spot" inspections and have them stricken from the list?

We may refuse to accept continuous monitoring inspectors, i.e., those Soviets who will be in the US on a long-term basis, at our discretion. While there is no such initial discretionary right of refusal of short-term inspectors or aircrew members under Section III(3), Section III(7) gives us the right to have any individual proposed in either of these categories stricken from the list of inspectors or aircrew members if we determine that he has ever committed a criminal offense here or in a basing country, or been sentenced for committing such an offense or expelled (for any reason) from the US or a basing country. If we make such a determination prior to the individual's actual entry into the US, then he would be denied entry as an inspector or aircrew member.

We retain the right to have the individual deleted fromthe list of (short-term or continuous monitoring) inspectors or aircrew members at any subsequent time if we determine that any of the conditions mentioned above exist, or that he has violated the Inspection Protocol conditions governing inspection activities -- which include respecting the laws and regulations of the country in whose territory the inspection is being carried out. If that determination is made while the individual is in country, then his government must remove him immediately.

Section III, Para. 7

This paragraph provides that an inspector or aircrew member determined by the host party to have violated conditions of the protocol, or comitted a crime shall be removed and stricken from the list.

Who will determine whether an inspector has violated conditions or committed a crime?

The inspected party will determine whether an inspector has violated conditions or committed a crime. Nevertheless, an unfounded and unsubstantiated allegation of comission of a crime, disputed by the inspector inquestion, would not constitute a basis for requiring removal of the inspector. Such an allegation made in bad faith would, in fact, raise a compliance issue. Only if clear and convincing evidence of commission of a crime was offered would the United States deem the requirements of the provision met.

Inspection Protocol

Section III, para. 7

Is there any due process to protect our inspectors from arbitrary Soviet actions?

Yes, the Annex to the Inspection Protocol, entitled "Provisions on Privileges and Immunities of Inspectors and Aircrew Members," protects our inspectors against arbitrary Soviet actions. Among other things, this Annex accords inspectors "the inviolability enjoyed by diplomatic agents pursuant to Article 29 of the Vienna Convention on Diplomatic Relations."

Section IV, para. 1b

This subparagraph provides that 72 hours advance notice be given before "elimination" inspections as opposed to 16 hours advance notice for "baseline", "close-out" and "spot" inspections. What is the rationale for requiring additional advance notice for "elimination" inspections?

Baseline, close-out and quota inspections are designed to deter the basing of undeclared missiles at declared and formerly declared facilities. To accomplish this aim, it is necessary to preserve an element of surprise. Thus, the Inspection Protocol provides for the minimum amount of advance notice that is logistically feasible. In contrast, elimination inspections are designed to enable inspectors to observe the elimination process. To accomplish this aim, the two Parties must cooperate to ensure that inspectors arrive at the site shortly before the elimination process begins. The Inspection Protocol provides for more advance notice to facilitate cooperative logistical arrangements.

Section IV, para. 2

This paragraph provides that the time of "close-out" and "spot" inspections be within 4-24 hours after estimated time of arrival at entry point while the time for "baseline" inspections must be within 4-48 hours. Why is additional time necessary for "baseline" inspections?

At the point of entry, escorts will examine any equipment that the inspection team is bringing into the country to ascertain that it cannot "perform functions unconnected with the inspection requirements of the Treaty." During baseline inspections, inspectors will be bringing a lot of equipment into the country for the first time, so the equipment check might take quite a while. After the first baseline inspections are completed, equipment may be stored in tamper-proof containers in secure facilities at the point of entry. Subsequent equipment checks will be needed only for any additional equipment that the inspection team brings into the country on future visits.

Section V, para. 4

This paragraph prohibits inspectors to bring in equipment or supplies unconnected with inspection activities. How will it be determined which equipment or supplies is or is not connected with inspection activities?

Paragraph 9 of Section VI requires the Parties to agree upon "characteristics and method of use" of inspection equipment within thirty days after entry into force of the Treaty. Thus, a list of permitted inspection equipment will be agreed upon in advance. Examinations at the point of entry will be designed to determine whether equipment being brought into the country meets the specifications on that list. Equipment that meets the specifications will be allowed into the country, unless it also contains "add-ons" not agreed by the Parties that could perform functions "unconnected with the inspection requirements of the Treaty."

Section V, para. 4

Could we, in any way, prevent the Soviets from supplementing equipment and supplies at inspection sites with unconnected items brought into the U.S. in Soviet diplomatic pouches immune to any U.S. inspections?

Soviet inspectors will not be permitted to use diplomatic pouches on official inspection missions. When entering the U.S. or NATO basing countries for the purpose of performing an inspection, inspection equipment and personal baggage the inspectors are carrying will be subject to Customs examination.

Section V, para 5

This paragraph makes the Soviets responsible for transporting our inspection teams. What assurances do we have that our inspectors will not be unduly delayed? What recourse would we have if such a delay was to occur?

If the Soviets fail to transport our inspectors to the site within the nine-hour time limit we have the right to cancel the inspection without counting it against our quota. If the U.S. believed that there was purposeful delay, we would raise the issue with the Soviets as a compliance question within diplomatic channels or within the framework of the SVC.

Section VI, para. 3

This paragraph prohibits inspectors from interfering with, hampering, or delaying operations at inspection sites. Who determines what constitutes interference, hampering or delaying? What actions will be taken against an inspector who "interferes", "hampers" or "delays?"

If U.S. escorts believe that a Soviet inspector is interfering with operations at a site, they have the right to stop him. In extreme cases, they would have the right to remove him from the site. If, on the other hand, we believed that one of our inspectors was accused unjustly of interfering with operations at a site, and the Soviets responded by taking some action that prevented him from carrying out his inspection duties, we would have the right to raise the issue with the Soviets as a compliance question within diplomatic channels or within the framework of the SVC.

Section VI, para. 5

Could this assistance actually hamper our inspectors? What kind of recourse would we have if this was the case?

The Inspection Protocol calls for in-country escorts to assist inspectors because such assistance will be necessary. Naturally, one cannot exclude the possibility that an escort might attempt to interfere with the activities of our inspectors. In such an event, an individual inspector could appeal to one of the other escorts to discipline his colleague. Failing that, we have the right to raise this matter as a compliance question within diplomatic channels or within the framework of the SVC.

Section VI, para. 7

This paragraph provides inspectors the right to communicate with their local embassy over telephone lines provided the inspected Party. Will these telephone lines be secure from Soviet eavesdropping.

No.

Section VI, para. 9

This paragraph provides, in part, that during "spot" inspections of former missile bases and support facilities, all measurements may be made only by the inspected Party. Why may only the inspected Party perform these measurements? What equipment will they use, and can we verify the accuracy of this equipment?

Once a current INF facility has been eliminated and is no longer involved in INF-related activity, it is possible that the U.S. may wish to use that facility for other military activities. To protect against Soviet collection of sensitive information at such facilities and to avoid the charge of having sought to break the object being inspected, the Protocol provides that the inspected Party will perform all measurements. However, to ensure the accuracy of the measurements, inspectors will have the right to insist that the inspecting Party's equipment be used. Moreover, inspectors will observe the escorts while measurements are taken, and will have the right to request that a measurement be taken again if they believe it was not done correctly the first time.

Section VI, para. 14

This paragraph provides that "baseline", "close-out" and "spot" inspections shall last no longer than 24 hours, unless the in-country escort consents to extend the inspection by up to 8 hours. On what basis will the in-country escort provide or refuse to extend an inspection? What will be our recourse if our inspectors need more than 24-32 hours to conduct a particular inspection?

The U.S. will develop guidelines to assist escorts in determining whether to grant a particular extension request. With respect to our own inspection teams, there is no reason why they should not be able to complete inspections in the allotted 24-32 hour timeframe.

Section VI, para. 16

This paragraph provides, in part, that the inspected Party will be responsible for inspectors reaching their next site without delay. What will be considered an "unjustified" delay, and who will make this determination? What recourse would we have if our inspectors are "unjustifiably" delayed?

The provision cited here applies only if the inspection team decides that it wishes to proceed directly to the next site, rather than returning first to the point of entry. If the inspection team wishes to preserve an element of surprise, it may choose to return to the point of entry, and then specify the next site, in which case the nine-hour timeline discussed above applies. Thus, the requirement that inspectors be transported "without unjustified delay" applies only in those cases where the inspection team has decided to proceed immediately to another site. Nevertheless, if the team leader believes that he has been delayed unjustifiably he has the right to raise his complaint with the escort. Failing that, we have the right to raise this matter as a compliance question within diplomatic channels or within the framework of the SVC.

Section VII, para. 1

This paragraph prohibits the inspected Party from moving covered missile systems after one hour after the specification of an inspection site. Are these "pre-inspection" movement restrictions to be verified by National Technical Means? Are our National Technical Means capable of verifying compliance with these restrictions within the time constraints of this provision?

The pre-inspection movement restriction will be monitored by National Technical Means. This will pose a risk of detection for the Soviets should they attempt to violate the pre-inspection movement restrictions. This risk of detection will help to deter such violations.

Section VII, Para 5

This paragraph provides that the boundaries of inspection sties will be considered as set forth in the MOU.

Could the Soviets construct or maintain banned systems or equipment outside the boundaries of the site, and avoid inspection?

Through the combination of locational restrictions, movement notifications, national technical means, and various types of on-site inspections, we will be able to track the declared treaty-limited items in the Soviet inventory until they are eliminated. Also, further production is banned by the Treaty. Additionally, the INF Treaty bans flight-testing and training with INF missiles. Without such testing and training, the reliability and military utility of any covertly deployed force would degrade over time.

Section VII, para. 7

What is the smallest limited item of the SS-20? Will the U.S. be able to search for that item anywhere within the entire inspection site?

While inspecting, for example, an SS-20 missile operating base, U.S. inspectors will have the right to search not only for the smallest item associated with the SS-20, but for the smallest Soviet items subject to the Treaty. There are four such items, depending upon which dimensions one is measuring: the SS-4 launcher, SSC-X-4 missile, SS-12 first stage and SS-23 first stage. Any container capable of containing a Soviet missile, missile stage, launcher or piece of support equipment subject to the Treaty will be capable of containing one of the four items listed above. During inspections of Soviet missile operating bases and missile support facilities, U.S. inspectors will be able to inspect any container anywhere within the inspection site capable of containing any of these four items. Since the SS-20 missile, missile stages, launcher and pieces of support equipment are all larger than the four items listed above, it follows that U.S. inspectors will have the right to inspect any container capable of containing any item associated with the SS-20 that is subject to the Treaty.

Section VII, para. 8

This paragraph provides that missiles, stages or launchers or canisters not large enough to contain a prohibited missile or stage may be inspected only by external visual observation. But who will do the necessary measuring, the inspectors or the in-country escorts?

Inspectors will perform the measurements, except during inspections of formerly declared facilities, in which case the escorts will perform the measurements under the supervision of escorts as described previously.

Could such canisters contain SS-20s? Could we verify whether or not such canisters contain SS-20s through external inspection alone? Do U.S. radiation detectors have the ability to tell how many warheads are carried inside a missile within a canister, or where there may be empty space within a canister?

Consider the following cases:

1. A Container too small to contain an SS-20 may be measured to verify that it is in fact too small to contain an SS-20.

2. A container large enough to contain an SS-20 that is declared not to contain a missile or missile stage is subject to inspection by means of weighing or visual observation of the interior to verify that it does not in fact contain a missile or missile stage. During inspections of formerly declared facilities, escorts may also use any other means they choose to prove that the container does not contain a missile or missile stage.

3. A container large enough to contain an SS-20 that is declared to contain an SS-20 may be measured to ascertain whether it is large enough to contain more than one SS-20. If

it is large enough, it is subject to inspection by means of weighing or interior visual observation to verify that it does not contain more than one SS-20.

4. If the container is an SS-25 launch canister, and it is declared to contain an SS-25, it is subject to external inspection only, including use of radiation detection devices. Using such radiation detection devices, we can tell whether the missile inside the canister has one warhead or three warheads.

Section VII, para. 10

What constitutes inaccessible, and how will it be determined? Can we verify that such structures do not have concealed entrances?

Consider, for example, a building with three floors that has one elevator, which is the only means of access to the upper floors. If the elevator is not large enough to contain a missile, missile stage or launcher subject to the Treaty then the upper floors are clearly not accessible to such a missile, etc. and are therefore not subject to inspection. Accessibility can be verified by measuring apparent "choke points" within a building. While we cannot verify with 100% confidence that a building does not have hidden entrances, inspectors do have the right to search for concealed entrances as long as they don't violate any other conditions of the Protocol in the process.

Section VII, para. 11

This para provides inspection teams the right to patrol the perimeter of inspection sites. Can this entail continuous monitoring of the perimeter?

It could entail continuous monitoring of the perimeter for the 24-32 hours allotted for an inspection.

Section VII, Para. 11

This paragraph provides inspection teams the right to patrol the perimeter of inspection sites. Can this entail continuous monitoring of the perimeter?

Yes, we can patrol the perimeter as often as we wish.

This paragraph provides, in part, that during "spot" inspections of missile bases and facilities, launch canisters declared to contain a missile not covered by the Treaty -- such as the SS-25 -- shall be subject to external inspection only. Could such canisters contain SS-20s? Can we verify through external inspection alone that these canisters do not contain SS-20s or other prohibited missiles?

Consider the following cases:

1. A Container too small to contain an SS-20 may be measured to verify that it is in fact too small to contain an SS-20.

2. A container large enough to contain an SS-20 that is declared not to contain a missile or missile stage is subject to inspection by means of weighing or visual observation of the interior to verify that it does not in fact contain a missile or missile stage. During inspections of formerly declared facilities, escorts may also use any other means they choose to prove that the container does not contain a missile or missile stage.

3. A container large enough to contain an SS-20 that is declared to contain an SS-20 may be measured to ascertain whether it is large enough to contain more than one SS-20. If

it is large enough, it is subject to inspection by means of weighing or interior visual observation to verify that it does not contain more than one SS-20.

4. If the container is an SS-25 launch canister, and it is declared to contain an SS-25, it is subject to external inspection only, including use of radiation detection devices. Using such radiation detection devices, we can tell whether the missile inside the canister has one warhead or three warheads.

Section VIII, para. 1d

This subparagraph provides inspectors the right to visual observation of elimination launchings. Does visual observation include measurements of the actual missiles taken inside the canister?

This paragraph gives inspectors the right to ascertain by visual observation that "a missile prepared for launch is a missile of the type subject to elimination." At a minimum, this will involve looking at the missile inside the canister. If that is not sufficient to ascertain what type of missile it is, inspectors could also perform measurements. These methods could also be supplemented by photographing the missile immediately after launch, which should remove any doubts whatsoever about the type of missile being launched.

Section IX, para. 3

This paragraph provides, in part, that exits to inspection sites may be monitored by appropriate sensors. What will be considered "appropriate." This paragraph also provides inspectors the right to patrol the perimeter and exits of the site. What kind of patrol will this be: random, regular or continuous?

Paragraph 12 of Section IX gives the U.S. the right to weigh and measure the dimensions of any vehicle exiting Votkinsk to ascertain whether it is large enough and heavy enough to contain an SS-20. Sensors at site exits will be "appropriate" for this purpose.

The Inspection Protocol gives us the right to patrol the perimeter and exits of Votkinsk continuously.

Section IX, para. 5

This paragraph requires that a number of items necessary for inspection be provided by the inspected Party, including "appropriate" sensors and telephone lines and radio equipment. Why are such items to be provided by the inspected Party? Do we have a way to calibrate the accuracy of sensors provided by the Soviets? What rights do we have if sensors prove inaccurate? Will communications over Soviet-provided telephone and radio equipment be secure?

This paragraph does not call for the inspected Party to provide sensors. Rather, it calls for the inspected Party to provide "the site preparation necessary to accommodate the installation of ... appropriate sensors." Thus, the U.S. will supply its own sensors at Votkinsk.

Telephone lines and radio equipment are to be provided by the inspected Party because it is more efficient than it would be for the inspecting Party to supply its own. Communications over Soviet-provided telephone and radio equipment will not be secure.

Section IX, para. 6(b)

This subparagraph provides inspectors the right to install weight sensors at exits. Do we know the weight of an SS-25 missile and canister? Would our inspectors be able to determine if a canister contains an SS-25 or an SS-20 using weight sensors?

Weight sensors alone are not sufficient to determine whether a canister contains an SS-25 or an SS-20. The purpose of the weight sensors is merely to determine whether a particular container is heavy enough to contain an SS-20. (The Soviets have told us the weight of the SS-20, and we will be able to verify that weight during baseline inspections.) Any vehicle exiting Votkinsk that is large enough and heavy enough to contain an SS-20 will be subject to inspection according to the procedures in paragraphs 13 and 14 of Section IX. Those procedures will give us high confidence that no SS-20s are exiting Votkinsk.

Section IX, para. 9

This paragraph provides the inspected Party the right to establish power and frequency restrictions for radio communications between inspectors patrolling a site and their data collection facility. Will this arrangement permit communications secure from Soviet eavesdropping?

No, it will not permit communications secure from Soviet eavesdropping. If U.S. inspectors require secure communications, they will have to speak to each other inside the inspection team headquarters. These buildings will be constructed by the U.S., and are accorded inviolability by the Privileges and Immunities Annex. Thus, they will be secure.

Section IX, para. 10

This paragraph prohibits aircraft from landing within the perimeter of monitored sites except for emergencies and with notice. Does this provide for two types of permitted landings? (emergency & notified)

No, aircraft are permitted to land only if both conditions are satisfied. Thus, even with prior notification aircraft would not be permitted to land at the site unless there was an emergency.

Section IX, para. 11

This paragraph requires the inspected Party to notify inspectors of shipments capable of carrying a banned missile before exiting the site. Do we know the weight of an SS-20 with front section and warheads? How would this compare to the weight for an SS-20 without front section (provided in the MOU)? Could the Soviets declare an SS-25 canister containing an SS-20 to be heavier than the figure provided in the MOU, and thus exempt it from interior inspection?

Questions about the weight of an SS-20 with front section cannot be answered on an unclassified basis. With respect to the last part of the question, if the Soviets attempted to transport an SS-20 out of Votkinsk inside an SS-25 canister, it would be subject to interior inspection, regardless of what the Soviets declare. The U.S. has the right to weigh and measure any vehicle exiting Votkinsk to see whether it is large and heavy enough to contain an SS-20. Any vehicle exiting the site that carried an SS-20 inside an SS-25 canister would be large enough and heavy enough to contain an SS-20, and would thus be subject to further inspection.

The nature of that inspection would depend upon what the Soviets declare. If the Soviets declared such a vehicle to contain an SS-25, the canister could be X-rayed, and it would be subject to random interior inspection (eight times per year). If the Soviets claimed that the canister did not contain a missile, they would be obligated to demonstrate that claim.

Section IX, para. 13(a)

This subpara provides inspectors the right to inspect the interior of all vehicles exiting the plant which are large enough and heavy enough to carry a banned missile or stage. Does this right include inspection inside any canister carried by the vehicle?

Consider a vehicle exiting Votkinsk that is large enough and heavy enough to carry an SS-20. Assume that inside the vehicle there is a container or shrouded object. Such a container or shrouded object will fall into one of three categories:

1. if inspectors can ascertain by visual observation or dimensional measurement that it is too small to be or to contain an SS-20, it is not subject to further inspection;

2. if it is declared to contain an SS-25, the provisions of paragraph 14 apply;

3. if it is large enough to contain an SS-20, but it is declared not to contain a missile or missile stage, the inspected Party is obligated to prove that it does not contain an SS-20.

Section IX, para. 13(c)

This subparagraph makes it the responsibility of the inspected Party to demonstrate that containers or objects large enough to contain a banned missile or stage does (sic) not contain such item. How would the inspected Party make such a demonstration? Would the inspectors in such a situation have the right to inspect such containers or objects?

In most cases, the simplest way for the inspected Party to demonstrate that such a container does not contain a banned missile or stage will be to open the container so that inspectors can view the inside. However, in certain cases it might be impractical to open the container, or it might entail a risk of compromising sensitive information. In such a case, if the container is too light to contain a banned missile or missile stage, the inspected Party could weigh the container to prove that it is too light to contain such a missile or missile stage. Other methods are also possible, but the inspected Party must prove to the satisfaction of the inspectors that the container does not contain a banned missile or missile stage.

Section IX, para. 14(c)

This subparagraph provides, in part, that inspectors may open canisters exiting the site which are larger or heavier than a missile or stage banned by the Treaty on a random basis no more than 8 times a year. Upon opening such canisters, will our inspectors be able to view all three stages sufficient to accurately measure the length and diameter of all stages? Have we ever seen an SS-20 Post-Boost Vehicle, and if not, how will we be able to ascertain that a missile exiting the plant is not an SS-20? In determining whether or not a missile inside a canister is an SS-20, will our inspectors use the current Soviet picture or our original intelligence estimate?

When examining the contents of canisters exiting Votkinsk, the first thing our inspectors will want to know is whether the missile inside the canister has two stages, as does the SS-20, or three stages, as does the SS-25. That can be easily determined simply by looking at the missile.

Assuming that the missile inside the canister has three stages, we will still want to measure the length and diameter of the second stage to ensure that the Soviets do not simply add a third stage onto the SS-20. Measurement of the first stage will tell us nothing, because the first stages of the SS-20 and SS-25, according to the Soviets, have similar dimensions. Similarly, measurement of the third stage does

not help solve the problem because the SS-20 has no third stage. However, the Soviets have given us data on the length and diameter of both the SS-20 second stage and the SS-25 second stage. We have the right to verify the data on the SS-20 second stage during baseline inspections. We will also be able to confirm this data during elimination inspections. If measurements of the second stage of a missile exiting Votkinsk confirm that the stage does in fact have different dimensions from the second stage of an SS-20 we will know that the missile exiting Votkinsk is not an SS-20.

Section X

This section provides that inspections may be cancelled if due to circumstances brought about by "force majeure", they cannot be carried out.

What is the definition of "force majeure" in US domestic law?, international law?, Soviet law?

The meaning of the term "force majeure" is well understood in international law as referring to a superior or irresistible force outside the control of either party, which therefore could not be avoided by the exercise of due care -- a condition that would exist if, for example, a flood or earthquake blocked access to an inspection site, preventing a scheduled inspection. In contrast, were it to appear that the Soviets were willfully delaying or obstructing our inspection access, we would pursue such a matter vigorously in the Special Verification Commission and any other appropriate channels

Questions from Helms Memorandum: Issue VI

Why does the Treaty and its Protocols permit the Soviet Union to retain roughly three to four times as many nuclear warheads as are retained by the United States?

The Treaty does not require either side to eliminate its nuclear warheads. Because the Soviets through elimination of all INF missiles and launchers must eliminate about four times the capability to deliver nuclear warheads as the United States, they are able to retain more warheads without their delivery systems.

Why does the Treaty fail to prohibit the reloading of these warheads or to provide safeguards against their reloading and retargeting either on NATO or the United States?

The warheads cannot be simply "reloaded" onto or "retargetted" on other missiles. The provision reflects U.S. wish to retain the option of utilizing the fissionable materials and guidance elements from INF missiles for other purposes.

Why does the Treaty and its Protocols fail to require the elimination of the nuclear warheads and associated guidance systems?

The INF Treaty does not require physical destruction of the actual nuclear explosive devices (called "nuclear warhead devices" in the Treaty -- the packages containing the fissionable material). Such destruction was never proposed by either side in Geneva. We could not physically destroy nuclear materials, nor would it be possible to verify restrictions on nuclear explosive devices or the disposition of their nuclear materials without exposing sensitive information. Moreover, we wished to reserve the right to reuse these materials.

Both the warheads and the guidance systems are expensive and use highly sensitive and sophisticated technology. The U.S. wished to be able to salvage them both to prevent possible compromise of design information during any elimination process and to preserve the possiblity for their future use in other systems.

Why does the Treaty and its Protocols deny to the U.S. inspection rights at suspect sites for systems covered by the Treaty?

It was the conclusion of the Administration that, in the context of the INF Treaty, "anytime, anywhere," inspections added little to the already extensive and unprecedented INF verification regime when balanced against the possible risks to other U.S. and Allied security interests which they raised.

 6-5

Why does the Treaty and its Protocols permit the retention of 15 launchers with missiles and nuclear warheads on so-called "static display".

"Static display" is one agreed form of elimination under the Treaty. In accordance with the terms of the Treaty, such missiles and launchers must be rendered inoperative and the location designated. The sides are permitted on-site inspection to assure that the requirements to render the systems inoperative have been met.

Under these provisions we may anticipate an exhibit of U.S. PII and GLCM at such places as the Smithsonian Air and Space Museum. Naturally, missiles on static display will not have nuclear warheads.

Why does not the Treaty and its Protocols permit inspection of SS-25 launch canisters to ensure that they in fact contain SS-25 missiles and not the equally compatible SS-20?

At the Soviet missile final assembly facility at Votkinsk, U.S. inspectors will have the right to measure, and image all SS-25 canisters exiting through the Votkinsk portal to ensure that they do not contain an SS-20. Eight times a year on a random basis, U.S. inspectors will have the right to view the interiors of SS-25 canisters to ensure they do not contain Treaty-limited SS-20 missiles. In addition, U.S. inspectors will also have the right to weigh, measure and image all vehicles that exit through the portal that are large enough and heavy enough to contain an SS-20 and that the Soviets declare not to contain a GLBM

All SS-20 bases, including those that are converted to SS-25 bases after November 1, will be subject to on-site inspection for 13 years after the Treaty enters into force. We will be able to measure the SS-25 canisters at these bases. In addition, we can use radiation detection devices to further ascertain that such canisters at formally declared SS-20 bases do not contain SS-20s.

Why does not the Treaty and its Protocols require an exchange of engineering specifications so that it can be verified that eliminated missiles are operational systems and not factory rejects?

The data exchanged in the Data MOU is sufficient to effectively identify each missile without compromising sensitive information. All INF missiles no matter what their status (deployed or nondeployed) must be eliminated. U.S. inspectors will be present to monitor such elimination.

Why does the Treaty and its Protocols fail to cover all ground-based Soviet missiles in Europe which are capable of use at intermediate range?

Why does the Treaty and its Protocols fail to cover all ground-based Soviet missiles in Europe which are capable of use at shorter-range?

The INF Treaty covers those ground launched missiles with a range of 500 to 5500 km. There is no limitation in the Treaty on systems of a range greater than 5500 km which are being addressed in the START negotiations.

Why does Article XIV (non circumvention) not make it expressly clear that anti-tactical ballistic missile systems (ATBM) are not considered a circumvention?

There is no need for a specific exemption for ATBM in Article XIV, which, in any case, is not a "non circumvention" article and does not add any new obligation to the Treaty. Article VII, para 3 permits development of such systems ("If a GLBM is of a type developed and tested solely to intercept and counter objects not located on the surface of the earth, it shall not be considered to be a missile to which the limitations of this Treaty apply.")